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MEMOIRS OF

CORNELIUS COLE

EX-SENATOR OF THE UNITED STATES
FROM CALIFORNIA

NEW YORK
McLOUGHLIN BROTHERS
1908

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PREFACE

It has often been remarked that I ought to write up my recollection of the early days of California, of the Rebellion, and of the reconstruction period. And I have had a vague notion of sometime doing so; but that duty, if it be such, has hitherto been entirely neglected, or, rather, has been crowded back by other and more pressing obligations. Now, however, at the age of over four score, the task cannot be further postponed, if it is to be accomplished at all.

The work will have to be done without much assistance to the memory and will therefore be far from complete, but as the traveler, coming home from a long journey, remembers the principal objects and events, so a person approaching the end of a long life can recall many of the more notable occurrences of his time.

Mere personal matters will be permitted to intrude but little on the narrative; in fact I am willing that many occurrences in my life shall be forgotten; but having participated to some extent in public affairs, in a most eventful period of our history, it is deemed but fitting that I should add my testimony to that of others concerning them; at least, so far as they came under my immediate observation *et quorum pars fui.*

Some one apologized for writing a long letter by saying he had not the time to write a short one. I may, at the end, feel like offering a similar apology, but I hope, nevertheless, to find time, without being too prolix, to record some of the more noteworthy of my observations.

MEMOIRS OF CORNELIUS COLE

CHAPTER I

1848

EARLY LIFE — EDUCATION — ADMISSION TO THE BAR — THE LAKE COUNTRY — FOREFATHERS — EARLY SETTLERS — ITHACA — INDIANS — SULLIVAN'S RAID.

My early life is a matter of little public concern, and I need only say regarding it, that I was born and brought up on my father's farm in Western New York; that I began education at the district school, followed it up at the Ovid academy and at the Lima seminary; spent one year at Geneva College and the rest of the course at Wesleyan University in Connecticut.

My examination for admission to Wesleyan placed me partly in the sophomore and partly in the junior class. I was ahead in mathematics and in some of the scientific branches. Before going to college at all, I had learned and practised surveying. The old gentleman, Archibald Fowler, a neighbor of ours, from whom I learned the art, died, and there was no one on hand to take his place in the little jobs of surveying in the neighborhood but myself. Out of this grew a taste for the higher mathematics, and I never found much difficulty in keeping up in these, but experienced more in getting along with the dead languages. I was always more fond of Greek than of Latin. The wisdom and literature of the former seemed much the more attractive, and my notion about the relative merits of the two has never changed.

I have always regarded the two years at Middletown as profitably spent. The Professors there were progressive men and always in the van of their calling. Prof. Johnston had no superior in chemical research, in this country. It is in doubt whether he or Prof. Hare of Philadelphia, first succeeded in the experiment of liquifying and freezing carbonic acid gas. His experiments in that and other lines are gratefully remembered. Professor Smith was for years afterwards instructor in the higher branches of mathematics at the Annapolis Naval Academy. He was the author of several widely accepted text books in his line. Dr. Olin, President of the University enjoyed a reputation for learning and eloquence wider than his own country.

But I would not be invidious in comparing the teachers at Middletown with those at Geneva, where I had spent a year. I remember in particular Theodore Irving, Professor of belle-lettres and modern languages. He was a nephew of Washington Irving, and had been an attaché of the American legation at Madrid when his uncle was minister to Spain. Professor Irving was a polished gentleman as well as a ripe scholar, and the author of a number of books on Spanish American history, the authorship of which is frequently attributed to his uncle. Dr. Hale, the President at Geneva, was a man of much learning, and merited more renown than was accorded him in the world of letters. The teacher of Latin was Teddy O'Bourn, himself educated in the Dublin University, which accounted for his extremely accurate scholarship and efficiency as a teacher. His nationality made him the subject of many pleasant jokes.

General Edward S. Bragg, for many years, and even yet, a noted politician of Wisconsin, was a member of my class at Geneva. He was as fond of sensations then as he afterwards was when a leader of the Democratic party. In the recitation room one day it came to him to translate a passage from a Latin historian, stating that, as the enemy advanced upon Rome all the countrymen deserted their farms and took refuge within the walls of the city. It will be remembered that the Latin expression for countryman is rusticus. Mr. Bragg indulged in a little freedom in the translation, saying: "As the invaders approached Rome all the rusticuses left their homes and fled for safety to the city." The only objection the learned Dublin Professor made to this rendering of the passage was to exclaim: "Tut, tut, tut, Mr. Bragg."

After leaving college, I taught school a little, read law awhile, and, without knowing very much about it, was admitted to the bar. This latter event occurred on the first day of May, 1848, at a General Term of the State Supreme Court, held in Oswego, New York. This was after I had spent some time in the law office of Seward, Morgan and Blatchford, at Auburn, where I was kept pretty busy. Seward's career as governor of New York, and as secretary of state under Lincoln, is too well known for rehearsal, as is also that of Samuel Blatchford, as a Justice of the United States Supreme Court. Christopher Morgan I remember as having only one eye, but a sharp one, and as having been a member of congress, and at one time Secertary of State of the State of New York.

On the trial of my first case of any importance, (it was at Waterloo, in my native county,) I called upon Governor Seward for assistance, and he, not I, won the case. The Governor was one of the most kindly-natured persons in the world. He was the very soul of honor and nothing could swerve him from his sense of right or duty. He was bravery itself in the defence of his views, and, without being obtrusive, was always ready to vindicate them. His real character shone forth in his reply to an offensive personality indulged in by some one towards him in a heated discussion. Seward's only response was: "No gentleman will insult me, and no other can." He deserved to be, as he really was, for many years, the most prominent public character of his time, and the world will not in many years look upon his like again.

Western New York, the scene of my early years, was, as I afterwards ascertained by comparison with other parts, the most highly favored, in point of scenery and natural attractiveness, of any portion of the New World. Before the close of the eighteenth century it became widely known as the Lake Country, and such was its designation in the year 1800, when it became the home of my grandparents both on my father's and on my mother's side. The former, with a family of half a dozen children migrated there from Hunterdon County, New Jersey, where my father was born in 1788. I have been told that many, bearing the family name, still hover about the old place, also, that my great-grandfather was a Dutch Reformed preacher, and bore the Christian name of David, as did my grandfather and father likewise.

My grandfather on my mother's side, Elijah Townsend, came with his young family from Dutchess County, New York, where my mother was born in the year 1790. He then settled at the place afterwards named for him Townsendville, in Seneca County; where many years later he died, aged 96, leaving living descendents numbering 204.

The journey, in each case, of my grandparents, to reach the then much sought Lake Country, was long and tedious. It was made by private conveyance, much of the way through an unbroken wilderness. Those coming from New Jersey were six weeks in making the trip. But no obstacles were too great to be overcome by the pioneers of those days. The depressing effects of the Revolutionary war were fast wearing away, and men like my grandfather, Captain David Cole, were enlisted heart and soul in the task of building up the republic on the firm foundation of liberty and equality. No better theater for carrying out their purpose could be found than was afforded by this primeval Lake district.

To reach their destination the Coles came by way of the head of Cayuga Lake, where the beautiful city of Ithaca now stands, a place which has become distinguished as the site of one of the grandest institutions of learning in America. In the year 1800, when my father, then a lad of twelve, with his parents, passed through there on his way to their future home, the only building in the place, a log one, located near the inlet to the lake, was kept as a tavern, and, what was not likely to be forgotten by one so young, a bear was chained up at the door.

Both families of my immediate progenitors became prosperous farm people and each performed well its part in the drama of occupying, clearing, and settling that promised land.

The lakes of Western New York, with gravelly bottoms, and water of great depth, clear as crystal, are rivaled, it may be, but not surpassed in romantic loveliness by those of Scotland or Switzerland. They are uniformly longest from north to south, and, generally speaking, parallel with one another. Between two of the largest of these, the Seneca and the Cayuga, and not half a dozen miles from either, was my earliest home.

It may be mentioned as a peculiarity of this region that the trees constituting the native forest are in endless variety; evergreens predominating in some places and the deciduous in others. Another feature of the country is, that the forests in all their richness of diversity extend quite to the borders of the lakes. Among the trees here abounding were the hickory, the walnut, the butternut, the chestnut, the beech; all nut bearers, and affording much enjoyment in the season of gathering. There was also in profusion, in certain localities, a delicious wild plum, red as blood when ripe, and highly prized. Besides these native nuts and fruits, berries in abundance and great variety were gathered in the late summer and autumn months.

The forests before being mutilated by the ax of the pioneer afforded an excellent retreat for the deer and other game animals. For this reason, doubtless, the country long remained a favorite hunting ground for the man who lived by the chase. Down to the time of the Revolution the Six Nation tribes of Indians frequented this region and were ready to oppose by force any encroachment upon their domains. In numerous favorite nooks along the borders of the lakes these rude people made their homes. In such localities clusters of wigwams sprang up, and there were planted patches of corn which, with the game, the fish, the nuts and berries, must have afforded a comfortable living for so primitive a race. A few apple trees also were grown by the natives, some of which were still standing in my time, but the fruit upon them bore evidence that the Indians were unacquainted with the art of grafting.

These indications of the former occupation of the country by the "noble red man," were enough to inflame the imagination of his palefaced successors, and to fill with romantic notions a person familiar with the story of Pocahontas and the tales of Fenimore Cooper.

Though many of their relics remained, the aborigines themselves, as a class, had withdrawn from the country years before its invasion by the white settler; occasionally, however, an aged and weatherworn female of the former race, clad in a blanket, bare of head, but shod with moccasins, would appear at the farm door, to dispose of her homemade wares, consisting of baskets, of beadwork, or perhaps of some nostrum, alleged to be wonderfully effective in curing the maladies to which the white man had fallen heir. These Gipsy-like wanderers were always treated with a degree of kindness befitting the difference in the two races.

It has always seemed impossible for two distinct peoples to occupy the same territory at the same time on an equal footing. The one will seek to dominate and oppress the other. Examples of this in the world's history are innumerable. The Europeans and the Indians never could agree. The greed of one and the jealousy of the other led to bitter animosity, and to frequent armed collisions. For centuries a state of chronic hostility existed between them. The white man is heartless enough as an enemy, but his red brother was even more so; or all at events, such was his reputation among the whites. The massacre in the valley of the Wyoming, which was certainly marked with great cruelty, seemed to call loudly for vengeance, and it was wreaked upon the offending race for years afterwards.

In 1779, General Sullivan with a moderate military force organized to operate against the Indians, penetrated the Lake region and destroyed many of the Indian villages. He burned their wigwams and as far as possible destroyed their means of subsistence. The Indians fled before his superior command, and but little fighting occurred on the raid. At the place called Horseheads, in Chemung County, Sullivan was compelled, either for the want of provender, or from the difficulty of penetrating the wilderness with them, to kill most of the horses in his command. The whitened bones of these poor animals marked the locality long afterwards and gave the name to the place. His line of march was down between the two lakes already mentioned, and his military road, hewn through the primitive forest, was plainly observable for many years. It crossed my father's farm and is well remembered.

CHAPTER II

1844—5

EARLIEST RECOLLECTIONS — HOME AND FARM — POLITICAL MEETINGS — GENERAL TRAINING — WINTER AMUSEMENTS — TO OWEGO — FIRST RAILROAD — GENERAL JACKSON — THE BIDDLE BANK — VAN BUREN — HARRISON — TO MICHIGAN — TO NEW YORK.

It may hardly be worth while to mention that my earliest recollections relate to family affairs, to operations on the farm, and to the usual transactions in a rural neighborhood. No one is likely to take much interest in these. The family was a large one, there being eleven children. Our parents were pious, and all the members of the household were expected to observe with some strictness the commonly accepted rules of morality. The narration of home events could, in any event, be of interest to only one person, a sister, Mrs. Mary Stewart, well along in years, living in Kansas, who, besides myself, is the only survivor of that large family.

The farm operations were confined to cultivating the fields in summer and to caring for the live stock in winter.

The district school was attended by children large and small in winter, but by the small only in summer. The teacher in winter and the schoolma'am in summer, gained their qualifications at home, and not abroad. Their instructions were the more practical on that account, and tended rather to the useful than the ornamental. The studies comprised little more than what Mr. Lincoln termed the three R's: "reading, 'riting and 'rithmetic."

The community events were sometimes of a more absorbing nature. In the winter social gatherings were not unusual; there were also meetings at the schoolhouse for debate and at the church for singing. Religious meetings likewise were more frequent and better attended in winter than in summer.

Political gatherings, especially in the years of a general, or Presidential election, were events of absorbing interest even to the younger generation. Eloquent orations, or as they were afterwards called, stump speeches, spiced with wit and sarcasm at the expense of the opposing party candidates, together with the singing of campaign songs, were among the things offered for the entertainment of the crowd on such occasions. The discussions of political questions were much more acrimonious in those days than they have since become. I would not dare to say that this apparent waning zeal is evidence of a decline in patriotism.

The one event of greatest moment to the youngster in my native country three or four score years ago, and the one looked forward to with the most impatient anxiety was the General Training, which occurred once a year. That, for the boys and for children of larger growth was indeed a day of jubilee. The spirit of the Revolution had not yet died out, and on those occasions all persons of the military age were required by law to turn out, gun in hand, and drill preparatory to war with somebody, but most likely with our hereditary enemy, Old England. The martial spirit then displayed was wonderfully earnest, but not less ludicrous as looked upon from this safe distance. The men appeared on parade for these warlike exercises in companies and regiments. Those in the ranks were required to be armed, but with what weapon made little difference. A squirrel gun answered the purpose as well as one of the muskets that had come down from the days of Seventy-six. All the weapons, whether shotgun, rifle, or blunderbuss, were muzzleloaders and had flintlocks. The use of the cap for firing was then entirely unknown. The cartridge-box and the powder-horn, the latter fashioned from a real horn, hanging at the side, were indispensable parts of the equipment. The rank-and-file were usually without uniforms, a thing tolerated in the militia, but the officers, the general, the colonels, the lieutenant colonels and majors, with the staffs, all mounted on prancing steeds, were decked out in the most approved Revolutionary style. They were adorned with epaulets and with gold braid trimmings in profusion. To the side of each dangled a sword and in his holsters attached to his saddle was a pair of large horse-pistols. Thus caparisoned they were thought to be, and seemed to think themselves quite formidable, as doubtless they would have been in an emergency.

A few of Washington's old soldiers still survived and were made conspicuous on those training days.

A brass band was a rare thing in America in the first half of the nineteenth century. Music, on public occasions was furnished by the fife, and the bass and kettle-drums. These were the only instruments used on general training day, and the noise made by them, together with the shouting of auctioneers and the clamor of the multitude, was deafening. Tin-peddlers and peddlers of thousands of other wares, including venders of essence, were drawn together from great distances. The General Training was a red-letter day for them, as well as for all the people gathered in from twenty or thirty miles about.

The snows of winter, in Western New York, often fell to great depth, and drifted in banks so enormous as to obstruct the roads for weeks at a time. The winter, owing to the suspension of farm operations and the opportunity for amusements, was the merriest part of the year; but the world there was extremely limited, shut in as it were by a narrow field of observation. Books however, of the better sort, were not wanting.

The district library system, adopted in that state through the influence of Mr. Seward while Governor, added greatly to the opportunities for reading afforded by the little collection of books, including the bible, found in every farm house.

Everybody was supposed to belong to, or, at least, to favor some one church, and the preacher exercised much influence in the community. His sway was second only to that of the doctor. The power of the tavernkeeper and of the merchant in the nearby village was small, as was that of the lawyer also, if there happened to be one. Intemperance was hardly known, but when known was exceedingly disreputable. The faith of some people in their family physician was phenomenal, and what wonder, since lives were often thought to hang upon his skill.

I must have inherited a strong inclination to take sides with the weak and unfortunate, as it was early developed and often a controlling sentiment. I may have inbibed it from my tenderhearted mother, who is well remembered as especially pronounced in her feeling against cruelty of every sort. I have repeatedly been astonished by an exhibition of the opposite sentiment. I could never reconcile the practice of cruelty, or oppression, even in a friend, with tolerant human nature. It has broken many friendships, and I recall with pain among my earliest recollections, instances of the kind.

Speaking of myself, and with some disregard of the promise in my preface, I may be excused for saying, that the first money I ever had was lost—green silk purse and all; a habit in regard to money I never could entirely overcome. My first watch was of a kind called "bulls-eye," and nearly as thick as it was broad. All watches in those days were open-faced and provided with an outside case to be removed in winding, which was done with a key, suspended at the end of the fob. There was no such thing as a stem-winder, till many years later. My bulls-eye was highly prized, but was spoiled in my attempts to improve it.

My first trip away from home was, with my father, to Owego. It was only fifty miles away, but to one so young it seemed an immense distance. It was made with a single horse to a light wagon, furnished with wooden springs. There were no buggies in those days, and steel springs for wagons had not yet been invented. When they first came in use they were quite a novelty, and from their form were called "elliptic springs." The same style is in common use to-day.

On our way we arrived at Ithaca by noon, and having a good horse, were in Owego before night. At Ithaca I had my first taste of beer, but it was only a taste, for it was intensely bitter, as beer at first always seems, and I wondered how my father could like it. By the way, he was always a temperance man and never drank anything stronger than beer, and precious little of that.

Ithaca, then a smart village, seemed scattered over a wide space, but was confined to the flat lands at the head of the lake. Some of the buildings were in my imagination extremely grand. The inclined tramway leading out of the valley was in operation, or ready for it, and the railroad running towards Owego was but just completed. It was one of the very first railroads in the country. The cars, not unlike the first used on city streets, were drawn by horses.

I have lately read a description by Governor Seward of the first road of the kind between Schenectady and Albany, which so exactly fits this case that I, being less observant, may do well to copy. He says, writing August 24th, 1831.

"The railroad is made by leveling, excavating, and elevating a road, so that as far as the eye can reach, it is either entirely level, or with an almost imperceptible rise or descent. Of course, there are embankments over ravines, and deep cuttings through hills, just like those on the route of the canal. Upon this plain surface are laid, at a distance of eighteen inches from each other square blocks of solid stone, and upon these are laid two parallel timbers, about eight inches square, which are fastened by rivets to the stones. Then, upon each of these timbers is fastened a bar of iron, upon which the wheels of the car pass; and as the inner side of the wheel projects about an inch below the bar, the car cannot get out of place. This is the simple construction of the railroad."

Mr. Seward said of the cars: "They differ not much, as to the construction of the body, from stage-coaches, except that they are about one-third larger, and have seats upon the top. The body is set upon very short springs, which cause but little elasticity of motion. The fore and hind wheels are equal in size, made of iron, and are about two and a half feet in diameter. They have rims four and a half inches wide, with projection on the side, next the carriage, which serves to keep the car secure upon the rail—not suffering the wheels to vary from the track. The car is divided into two parts by a high, though not entire partition in the center; the door admitting into the forward compartment being on one side of the carriage, and that admitting into the other on the other side. In each of these compartments were six passengers. On the top was the driver's seat and one other, each holding three persons; so that the car carried eighteen passengers with all their enormous bulk of baggage."

The Governor adds with evident enthusiasm: "Only think of riding from Schenectady to Albany without jolting, jarring, or bouncing! Fifty-four passengers and their baggage were brought on the railroad to-day, by three horses."

This railroad so accurately described, was called the "Mohawk & Hudson Railroad." It was said to be the first in the state, but the one from Ithaca to Owego could have been but little behind it.

This railroad incident leads to the belief that I was about ten years old at the time of my trip. That I was quite young is evidenced by another circumstance or two. The hills on either hand as we proceeded to Owego, were to me veritable mountians. I had never seen any nearly so high and never expected to see any higher. The Susquehanna, upon the margin of which Owego was strung along, must be presumed, from my recollection of it at that time, to be a very large river.

Children, like older people, are subject to delusions, but scarcely more so. Impressions acquired at an early age are almost as likely to be correct as later ones, and always more lasting. Delusions of children are of one kind, of manhood another.

By far the most conspicious character in the United States in the decade of the thirties was Andrew Jackson — in many respects a remarkable man. His chief traits were self-reliance, inflexibility, independence, and sterling honesty. He had the reputation of being abrupt, but that only occurred when the reverse might have resulted in a useless waste of time. No one could surpass him in true politeness when demanded by the proprieties of life. His many and manly virtues completely overshadowed any foibles he may have possessed. He was always a leader among men, and a reliable one for his friends. His every act and word was marked with candor, he was utterly incapable of deception of any kind.

General Jackson's term as President began with the decade and ended in 1837. He was quite prominent in the country before he became President. His part in the Florida Indian wars gave him some notoriety, but the battle of New Orleans, it was, that raised him to the skies, in the estimation of the people, as a military leader, and it is hardly too much to say that he continued to grow in public favor as long as he lived. By his friends he was affectionately called Old Hickory; a term which was supposed to indicate his character for strength of purpose and reliability. His political adherents were uniformly known as "Jackson men."

As in the great conflict with the slave power in after years, Abraham Lincoln proved to be the right man in the right place, so, in the great contest in the thirties with the money power, General Jackson, as President of the United States, was the right man in the right place. His fight was with the National Bank of the period, and for virulence and bitter animosity it had, up to that time, no precedent. It required all the tact, manly courage, and patriotism possessed by Old Hickory to carry on the prolonged battle, but he came out victorious in the end.

The Nicholas Biddle National Bank, with headquarters at Philadelphia and branches in various cities throughout the country, had been in existence many years, and as fiscal agent of the government and otherwise, had become wonderfully powerful. It had arrived at the point of demanding favors of the government and of expecting them without cavil. It was fast becoming the government itself, and was restive under opposition of any kind. Money is always apt to be aggressive and its chief representative then in this country, the National Bank corporation, boldly assumed some of the prerogatives of congress and of the executive as well. In 1832 a bill passed congress renewing and extending the charter of the bank, both as to time and privileges. President Jackson vetoed this bill, and sent in with his objections a long veto message vindicating his action. It was a powerful document, none more so had ever issued from the White House. It created more excitement in the country than anything that had occurred since the revolution. The notes, or bills, of the National Bank had entered largely into the circulation of the country, and interest in it had become widespread. Stock in the bank was more or less interwoven with the politics of the nation, many of Jackson's own party friends being entangled in its affairs, but this could not deter him from the discharge of his duty, as he regarded it, to the public. Millions were at stake and the fight was on. The Bank men had felt secure in their position, well fortified as they were financially and politically, and the message fell like a thunderbolt among them. The arguments of the President were irrefutable, but dollars are the logic of their possessor, and the message and its offer were assailed, in congress and out, with unwonted virulence.

The revenues of the bank were enormous, yielding to its stockholders many millions a year. As the bank was the depositary of the public funds, much of this revenue was derived directly from money of the United States. A large share of the stock,—more than one third,—was owned in England, and foreigners were thus reaping pecuniary benefit directly from the revenues of our government.

This feature was especially odious to the President, and, as the contest grew warm, he directed the Secretary of the Treasury to withdraw the government deposits from the bank. This request was refused by the Secretary, Samuel D. Ingham of Pennsylvania, where upon he was removed from office by the President, and Roger B. Taney was appointed in his place, to do the work. Taney was afterwards made Chief Justice of the United States.

It is sufficient to say that monetary questions were the absorbing political topics, at that period of our history. Slavery had not yet reached the front rank in importance. It was however coming into prominence in connection with the acquisition of territory and the settlement of national boundaries.

But financial questions, from their very nature must always be prominent in political discussion. While the desire for gain remains an ingredient in human nature, the means of gratifying it will continue to be among the first things considered in all the walks of life. The government of a country has more to do with the pecuniary conditions of its inhabitants than all other causes combined, and the tendency of the influential classes is to bend and mould legislation to their advantage. This has always been so and always will be. The only safety for the people at large, is in maintaining their proper influence in the government. General Jackson understood this perfectly, and without hesitation took up the contest for them against the privileged class then representing the United States Bank.

It is not unlikely that occasion may again arise in this country for resisting the aggressions of the money power. In fact the National Bank act of 1864 contains some as objectionable features as did that 1816, or as was proposed in the amendments of 1832. The history of the later law is not altogether unlike that of the former. The privilege of the first was limited to a term of twenty years and the same provision is in the law of 1864. The former was to pay a small annual bonus to the government, and the later a small yearly tax. Either Bank issued its own notes, though in the modern institution the printed bills are furnished to the banks ready for the signatures of its officials. The Government exercised a little apparent,—more apparent than real, supervision in each case. But the principal objection applies equally to both; it is in permitting private parties, or corporations, to exercise the function of government in issuing bills or notes to circulate as money. With as much propriety might such parties be permitted to coin money. The one is as much against the spirit, if not the letter of the constitution as the other. But the issuing of paper money is an infinitely more lucrative business than the making of coins, and shall it be said, that, hence it is authorized? But this subject may be alluded to again further along in these recollections.

General Jackson was followed in the administration of the government by Martin Van Buren, who faithfully carried out the policy of his "illustrious predecessor." Van Buren was a brilliant statesman and, withal, an honest politician, but he inherited the enmities that had been excited against Jackson by reason of his opposition to the National Bank. The adherents of that institution were unforgiving. They had been thwarted in the enjoyment of a large source of revenue and they had not forgotten it. They could have no hope of regaining their lost prestige through Mr. Van Buren, a most pronounced friend of Jackson, and they left no stone unturned to embarrass his administration financially. The entire banking influence of the country was turned against him. The monetary stringency and hard times that followed, which had been brought about by the banks, were made the pretext for a party war against Van Buren; and long before the end of his term, the remarkable contest of 1840 was inaugurated. That will always be known as the "Log Cabin and Hard Cider Campaign." Van Buren was a candidate for reelection. He was opposed by Wm. Henry Harrison, a man of much less prominence up to that time and against whom nothing in particular could be said. He was represented as a genial old gentleman of the far west, living in a log cabin, with the latch-string always out, and entertaining his friends with liberal potions of hard cider. He was called "Old Tippecanoe" because he had been in an Indian battle at a place of that name.

The largest political meetings ever held in this country convened that year. Delegations of citizens would travel many miles to swell the attendance at some well advertised gathering. It was a year noted for hard times, and the principal business of the summer was politics, and to beat "Little Van," to whom the depression in business was attributed.

Harrison was elected and died not long afterwards, John Tyler succeeding to his place.

Feeble attempts were made to revive the old National Bank, but the common people had been so inoculated with opposition to it by the veto message of General Jackson, that is was folly to urge its restoration.

The Presidential contest of 1844 is also remembered. It was between Henry Clay, "The Mill Boy of the Slashes," and James K. Polk, of Tennessee, who represented the Jackson sentiment. Polk was elected. The contest was remarkable for the unfair means resorted to on either side to secure the victory. Trifling matters weighed more in politics then than at any time since. The party organs were kept busy in refuting aspersions and falsehoods indulged in by the opponent. The celebrated Roorbach letter came out at that time, and it was greatly feared it might defeat the opposing candidate. It purported to be the letter of a German Baron travelling in America, and spoke of having seen a large gang of slaves belonging to Mr. Polk chained together on their way to a southern market for sale. There was not a word of truth in it, but in the absence of telegraphs it was not so easy in those days to refute a slander.

In 1848, for the first time I took an active part in politics. Mr. Van Buren was again a candidate, but now of the Freesoil party, and I supported him. There was much dissension in the democratic party over the slavery question. General Lewis Cass was the regular nominee and Van Buren was a bolter. The whig candidate was General Taylor, and he was elected, but survived only a short time, when Millard Fillmore took his place in the White House.

While I was preparing for college at Lima, Livingston County, my father came along, at the end of a term, on his way to Michigan and asked me to go with him. We took the stage to Rochester, and thence to Buffalo we went by the Canal. Packet boats took the place of stage lines along the route. It was a more convenient mode of traveling.

The work of man at Lockport was a revelation to me but the work of nature at Niagara was much more wonderful.

Buffalo had hardly begun to grow at that time. It was little more than a settlement along the water front. The business of the town was all in connection with water transportation, with which we had nothing to do beyond securing our passage by steamboat to Detroit. Our only callport on the way was Cleveland, then, like Buffalo, absorbed in business upon the lake. From Detroit, impelled by curiosity alone, we crossed over into Canada, visiting the quaint and incipient villages of Malden, Windsor, and Sandwich. I thought I then discovered a very marked difference between the effect on a country of a monarchical government and of a republican. On the Canadian side the buildings were all inexpensive, dingy, weatherworn and entirely innocent of paint; while on the Michigan side they were in good repair, and bore unmistakable evidence of thrift. To my mind it required much devotion to kingly rule to continue under it, with such demonstrations in favor of republicanism in plain sight, and I have never changed that opinion.

While in Detroit we called on General Cass, then prominent in national politics and a prospective candidate for the Presidency. The General was pleased to meet members of his own party and made our short stay quite agreeable. He had none of the airs, neither had he the appearance of a military officer. He was extremely corpulent and even quite flabby, but, with this physical disadvantage, he had all the manners of an old time gentleman.

We went west in Michigan as far as Hillsdale and

Jackson Counties. That part of the State was then an almost entire wilderness. A few new towns were just springing into existence, but all were yet in the woods. At Jackson some bricks had been made and were being put to use, but no building was finished. Ann Arbor, the site of the great university, was a little further advanced, but had the start of only a few months.

The lakes of Michigan, of which there are many, scattered all over the country, had uniformly grassy borders, differing in this from the lakes of New York, with their pebbly shores. The hills were few and low, and the country too level to suit my taste, but the soil was richness itself. Barring the prevalence of fever and ague, Michigan thus early gave promise of becoming a great and wealthy state.

My first visit to the city of New York occurred in 1845. I was on my way to Middletown, Connecticut, and took New York in. I went to Albany by packet on the canal, and then by steamboat down the Hudson. The part of the trip by steamer was very agreeable; but the packet, drawn by horses, was anything but a pleasant mode of traveling. The boat was long and, for speed, made very narrow, with bunks, one above another, arranged on either side below the low deck. The middle space between the rows of bunks was but little wider than in a modern sleeping car, but the bunks were not disposed of and put out of the way in the daytime as on the sleeper. The packet was usually so crowded with passengers that one had hardly room to turn around. The female portion of the wayfarers occupied one end of the boat curtained off by itself. This congested condition of the travelling public was accepted with good humor, and was the subject of many jokes and jeers, which sufficed in a measure to relieve the tedium of the trip. At night in the bunk was the only time one had any space at all to himself, and then the low apartment was so shut in by hatches as to fairly suffocate one. The ending of the voyage was, I doubt not, as pleasing as the release from prison. On board one would have been reminded, had he ever read about it, of the Black Hole of Calcutta.

The river steamboats were already in those days regarded as quite palatial, but could not compare with those of more recent date.

In the city I lodged at the Howard House, a hotel on the lower part of Broadway, but I visited relatives of my mother, a Colgate family, residing on Sixteenth Street, then very far up town. That part of the city was only partially built over; the unimproved lots being interspersed among the fine new residences. But the lots were not entirely vacant; most of them being occupied by huge granite rocks. How they were afterwards disposed of without injury to adjacent dwellings, I never learned.

Some little time before my arrival in New York a most disastrous fire had occurred. Many blocks in the very heart of the city had been burned over, and smoke was still issuing from the smouldering ruins.

The only means of conveyance in the city then was the omnibus. Large numbers of these were constantly running on Broadway. The least intimation by a person on the sidewalk would instantly bring one to him. It was entered from the rear and the fare was passed up, through a small hole, to the driver on the top.

An object of special attraction in the town at this time was a Chinese Junk. It was a small craft and lay at one of the North River piers. It was counted a great curiosity, as in fact it was, at that time; curious in its construction, in its equipment, and in its manning. The crew were Chinese, a people that had not before been seen in America.

The New York Museum in those days was much talked about and visited by many. It always contained some special attraction, which was well advertised.

This was the occasion of my first visit to a regular theater, and I must confess that it did not impress me then as it has since. The play seemed a mere representation of something that had occurred and much inferior to the original in attractiveness. The attempted portrayal of passions was only a sham, and far less fascinating than the real farces and dramas that fall under one's observation almost daily. The tragedies appeared ludicrous, if not farcical. I could not bring myself to look upon them as tragedies at all. As to the representations of the finer sentiments, they were equally failures. I have heard of an old countryman who was strongly urged to go and hear Jenny Lind sing. He was told that she sang like the nightingale. But said the old farmer, "I have heard the nightingale itself." The acting in New York at that time was, no doubt, excellent; nevertheless it appeared to me far from that. If much more perfect, it would still have appeared unreal. The excellence of Shakepseare is certainly in embellishing his plays with wit, humor and circumstance that the original never possessed. If the play is lacking in these, how is it better than the farces or dramas encountered in real life? Theatrical productions are subject to the same laws as other literary works; some are attractive for their substance, others for their style, and some again are entertaining both in style and substance. To those chiefly attractive for style alone, most of the classics belong, and particularly the poetic portion, as witness the utterly extravagant but altogether charming stories of Homer and Virgil. The merit of Shakespeare's productions is entirely in the marvelous ingenuity and entrancing beauty displayed in them. One for example cares but little about the simple story of Romeo and Juliet, but who is not captivated by the extremely fascinating way in which it is told?

But the attractiveness of some works, we must believe, may be in the subject matter. That upon which we are now engaged may possibly possess, to a limited extent that doubtful merit; I sometimes fear it will have none other The utmost hoped for it, is a lucid narration of some facts of some little interest.

There are several cities in the United States now with a population greater than New York had in 1845, but not one has attracted so much attention. It has always been, and is likely to remain, the foremost city of the New World and the chief Atlantic port of America.

CHAPTER III

1849

RUMORS OF GOLD.—LEAVING HOME—PITTSBURG—DOWN THE OHIO—ST. LOUIS—MISSOURI—INDEPENDENCE—MULE TRADES—THE PLAINS—POTTAWATOMIES—THE PLATTE—CHOLERA—BUFFALOS—THE SIOUX.

LITTLE in my experience worth relating occurred until the 12th of February, 1849, when I left my native town of Lodi for the journey overland to California.

Before the end of the year 1848, marvelous stories were in circulation about the discovery of gold in that far off land. These at first, in the form of rumor, filled the air, but presently were authenticated by the report of Thomas O. Larkin, who had been our consul at Monterey when that was a Mexican port, and who still resided there. His statement, and that of others, regarding the wonderful discovery in the Sierras was vouched for by the authorities at Washington and, as might have been expected, much talk arose about going to California. But how to reach there remained an unsolved problem for a long time. Three routes were freely discussed; the one by the Isthmus of Darien, one by Cape Horn, and the other overland. Opinions were about equally divided between the three, but all were regarded as difficult if not dangerous.

After due deliberation a little party of seven of us, from the same neighborhood, agreed to undertake the journey overland.

Without much preparation for so long a jaunt, and with more misgivings than formality, we bade our lifelong friends goodby and set out. It was yet winter, and we travelled all the way from Seneca County, New York, to Pittsburg, Pennsylvania, in an open sleigh. Our stay of several days in Pittsburg, was rendered quite disagreeable by reason of the prevalence of soot everywhere, to which we were unaccustomed. With stifling smoke the soot poured forth from innumerable factory chimneys and blackened every thing, so that one could not lay his hand on a banister in the hotel without becoming crocked. Some of it was sure to find its way to one's face, and the citizens of Pittsburg might have been distinguished from all other white people, unless you except the guests at her hotels. The Pittsburghers did not seem to mind this at all, which affords proof of the marvelous influence of custom.

The ice was not so early out of the Ohio River and it may have been a fortnight before we took passage on a steamboat to St. Louis. The water was very high, and at Cincinnati the floating cakes of ice were so formidable as to preclude our landing. At Cairo the whole country was afloat, so that only the tops of the houses above the levee were visible.

At St. Louis we laid in a great variety of supplies for the journey on the Plains. The enterprising traders of that place assumed to know a great deal better than we what was wanted. It had long been the custom there to fit out expeditions for Santa Fé, and we trusted implicitly to their representations. The result was that we were badly sold in the goods we purchased. They palmed off on us many things for which we never had the slightest use. To undertake to enumerate them now would be a hopeless task. I may however mention, a variety of extremely cumbersome gold washers. If these machines were not already patented, we were assured patents had been applied for. They were, of course, costly, but not one of them ever saw California; nor would they have been recognized as useful for the purpose proposed had they reached their destination. But they served well the purpose for which they were intended, that is, to delude the inexperienced and to get their money.

Some of our party proceeded by land from St. Louis up through Missouri, to purchase mules for the trip. We were to rendezvous at Independence. The rest of the party, after awhile, embarked on a river steamboat, for the nearest landing to Independence, taking with them two wagons and enough freight, certainly, to load down a larger number. I was one of those going by land. It was early in the season and our trip through Missouri was made quite leisurely. We halted for some days, near Booneville, at a hospitable mansion, fashioned by uniting two log houses with a covered way between them. It was an enjoyable sojourn. I made the most of it by taking daily rides on horseback with a beautiful young lady, the daughter of our host. My comrades had some sport at my expense, because a negro servant was always sent along on horseback, thus questioning my ability, as they maintained, to properly care for my fair companion. The people of the house were charmingly polite, and I was a little surprised, the first day at dinner, by the head of family courteously asking, if he could have the pleasure of helping me to some of the hog. Missouri politeness became better known afterwards in California by the appellation of Pike County courtesy.

We bought a lot of young mules here near Booneville. They had never been handled and my comrades found ample employment, and some amusement, in breaking them to harness. We ascertained before reaching Independence, that we had made a mistake in taking mules that were too young, and in hopes to mend the matter, we went quite as far in the other direction. We found for sale a lot of old mules, which were highly recommended to us as just the thing, since they had made several trips to Santa Fé, and were therefore well inured to service on the Plains. We were persuaded to purchase these, but found out, all too soon, that they had made quite too many trips to Sante Fé. They were literally worn out. Neither of us had ever scarcely seen a mule before these purchases, and our inexperience told sadly upon us. As a matter of fact, the young mules proved to be the better purchase.

We were delayed some time at Independence, waiting for the grass to grow, for upon that, voyageurs would have to depend for the support of their stock when once away from the frontier, but the time spent at Independence was not lost. It was well employed in training our animals to wagon and saddle, for their future work. We could hardly have got through with this extremely difficult job, but for the assistance of some negro slaves, kindly furnished us by a Colonel Jackson their reputed owner. He was a kindhearted gentleman, and it should be stated here, that we saw nothing of the border ruffians afterwards so much read about, and, but for the mule trades, would have doubted the existence of such.

At last the grass began to start, inviting us to a like movement, and on the 24th of April, 1849, taking a few bushels of corn along in our wagons to supplement, if need be, the grass, still quite short, we pulled out of Independence, and crossing the border of the state, launched forth on the then great Indian territory of Kansas and Nebraska. It was one great reservation for the sole occupation of the aborigines; white people not being allowed to settle there. We could pass through the territory, but were only permitted to stop for the night. Like poor little Jo, we were expected to move on.

The western boundary line of Missouri was distinctly observable as far as the eye could reach in either direction, north or south. It was perfectly straight, and on the one side were numerous fields of corn, the stalks still standing, while on the other an apparently interminable prairie lay stretched out. Our departure was like leaving a hospitable port for a long voyage over an unfrequented sea to a country of which little was known.

Our camp the first night out was perhaps a dozen miles from the border, at a place called Lone Tree. But no tree was to be seen; if there ever had been one in that locality, it had long since been reduced to ashes and blown away, leaving nothing but the name. What with no tree and no object in sight, the place was lonely enough in all conscience. This feature of it seemed to be appreciated even by the mules, for they kept up their braying the night through. The poor beasts evidently realized that they had taken their final leave of civilization, and a similar feeling took possession of us bipeds. It was our first night of rest on the naked ground in the open air, a practice to which we eventually became thoroughly accustomed, never having so much as a tent over us for the next three months.

Without any particular call for it, we posted guard that night, a practice kept up religiously by us all the way over. One man would stand guard till midnight, then another would take his place till morning, and so on round night after night, each taking his turn. A narration of the events of the next few days, if faithfully recorded, might be burdened too much with what is usually employed in propelling overloaded teams, and is better omitted. In crossing the creeks of Kansas various expedients were adopted, such as doubling the teams to extricate our wagons from the soft earth. Besides words of encouragement to the animals, it was often necessary for us to put shoulder to the wheel. Instead of calling on Jupiter for assistance, as in the fable, we were wise enough to employ our own strength. In that way we were able to get over, one after another, as we came to them, the Big Blue and Little Blue, the Big Vermilion, and Little Vermilion, and numerous other big and little, named and unnamed, streams.

For several days we followed the well worn old Santa Fé trail. It had long been used in carrying on the trade between St. Louis and the Northern States of Mexico. It trended considerably to the south of west, and seemed rather out of our true course; so we were glad when the time came to turn away from it. I cannot now designate on the map of Kansas the point of departure, but think it must have been near Wakarusa. At all events it was in the country then occupied by the Pottawatomie Indians. Our course thence was northwesterly until we struck the Platte river. These trails, though meager, were then about the only evidence of civilization in all Kansas, that country being reserved for the delectation of the red children of the nation. The white man, if there at all, was expected, like the Arab, to strike his tent in the morning and be off.

But Kansas with all its natural richness of soil, was not destined to remain forever, nor long, in that comparatively useless condition. The waves of civilization were already surging against her eastern border. It was about this time that a not too imaginative poet wrote concerning the emigration:

I hear the tread of pioneers,
Of nations yet to be,
The first low swash of waves
Where soon will roll a human sea."

Here upon this theater, with all the world looking on with bated breath, only a few years later, was enacted the first part of the great drama of our Civil war. The star actor at that time was John Brown of Osawatomie, one of the really remarkable characters of history. Whatever else may be said of Brown, his courage was never excelled. C. P. Huntington, who had known him in his early home, in New York, related a circumstance in confirmation of this. He said John Brown at one time, having only about three hundred fighting men with him in the Kansas war, was opposed by fully four times that number of border men from Missouri. Brown called a meeting of his captains, to confer as to what ought to done under the circumstances. One after another advised, in view of the great disparity in forces, that they should retreat. Finally it came to Brown to express his opinion; he said: "No, my friends, no, we must not flee; let us go forth and slay them; we may never get so many of them together again."

It is only remotely connected with my story, but as some of the same parties are involved, I may mention that, in after years, Charles T. Botts, brother of John Minor Botts, once governor of Virginia, a strong pro-slavery partizan, came by the store of Huntington and Hopkins in Sacramento, one morning just after the news of the capture of John Brown at Harpers Ferry had arrived, and asked Mr. Huntington what he thought of it, and what in his opinion ought to be done with Brown. "Why," replied Huntington, "he ought to be hanged; he is an old fool, and ought to be hanged." "How is that?" said Botts, "I thought you agreed with him?" "And so I do," replied Huntington, "but he is a blasted old fool. He went down there to capture the state of Virginia with only thirteen men, when I had written him that he ought to have twice that number." Botts was too much incensed against Brown just then to appreciate the joke, but presently came back and enjoyed a hearty laugh over it.

Wakarusa at the time of our visit, was an Indian settlement. It was the headquarters of the Pottawatomie tribe. There were among these natives, in personal appearance, some of the noblest specimens of humanity I have ever met. They were remarkable both for cranial and physical development. Their chief, Red Dog by name, and Half-Day, their orator, were especially distinguishable. For qualities of natural nobility they would have compared favorably with Webster, or Bismarck, but for other qualities, they had been less favored by opportunity. The tribe here supported a few log huts and were raising some corn. I attributed their advance towards civilization to the presence among them of a young man we met there, a native, but dressed in the white man's apparel, and who talked good English. It was said he had been educated by General Jackson.

We obtained a small supply of corn from these people. It was much needed by our jaded beasts, for the pasture was not yet abundant.

Walking by this time had become rather monotonous, and I was so fortunate as to obtain from one of this tribe a small black horse, of pony build, which I rode all the way to California, and a more useful animal I never expect to see.

In the bottom land along the streams of Kansas, were scattering trees, mostly walnut. In these a few wild turkeys were found and, though exceedingly shy, we brought one down once in a while with our rifles.

There was at that time in Kansas much evidence of the buffalo having been there, such as bones, trails and wallows, but of live ones we saw none till after many days travel further west. The big gray wolf of the Plains was there, as evidenced by his ravages. They were ferocious brutes and caused us no little uneasiness, especially at night, in camp. The danger was to our animals more than to ourselves, for they had a special liking for horseflesh, as we afterward learned.

This part of our journey was much retarded by the heavy freightage on our wagons, the uselessness of which we had not yet come to fully comprehend.

Not one of us had ever had any experience of this kind, but we learned from the outset to get along without tents.

In case of a storm the wagon above us might, in addition to our blankets, afford some little protection.

Guard was posted at night more for security against the loss of our teams than from fear of attack by the Indians. As a matter of fact we had at no time any very great apprehension of an unfriendly visit from the latter. Our cordial relations with the Pottawatomies doubtless had a tendency to put our minds at rest on that score.

We were at all times duly solicitous about the safety of our animals. If lost at all, it would have been by a stampede, the panic of which always extends to the whole herd. The imagination is challenged to depict the deplorable predicament of a company like ours, almost at any stage of the journey, without the aid of these much despised long eared creatures.

As we approached the wide bottom land of the Platte River, we came upon a band of tame horses grazing there and, so far as we could see, without owners. The haunches of some of these horses were terribly lacerated and torn. This we could in no way account for, but on reaching Old Fort Kearny, a few miles further up the river, we were informed by the soldiers stationed there, that the mutilation of the horses was the work of the wolves. In gangs the savage brutes would pursue a horse and, in attempting to hamstring him with their teeth, would inflict the wounds we had seen.

Old Fort Kearny was little more than a temporary stockade. It was really hardly a fort at all, but a mere post or station for a few soldiers, whose duty it was to keep an eye on the Indian tribes occupying and roaming over that territory and to check any hostile demonstration they might make.

The Platte River where we struck it, was at that season of the year a broad, muddy, and apparently deep and rapid stream. There was no timber whatever along the river bottom at the point where first approached, the plain having been burned over again and again, but on some low islands out in the stream trees were growing, and they afforded the only chance for getting wood to kindle a fire with which to prepare our food. Our reliance for fuel otherwise must have been upon buffalo chips. One of our party, Robert Selfridge, more daring than the rest, proposed to swim over to the nearest island and bring a supply. The river had every appearance of being a deep, as well as a broad and rapid stream; so Bob stripped off and most courageously plunged in, but so far from disappearing in the tide, he, naked as he was, walked all the way out to the island, without anywhere finding a depth of water half way up to his knees. His venture brought to the camp a good deal of amusement as well as sufficient fuel to cook our supper.

On the Platte we began to fall in with adventurers, like ourselves on the way to California. These had come by another route. They had left the frontier at Council Bluffs and followed the Platte all the way up. Their start had been as late as the First of May, but they were now as far along on the journey as ourselves. A number of companies were days, if not weeks, ahead of us, a consideration not at all agreeable, for we had been thinking we were about the head of the emigration. Some of these companies had brought the cholera along with them, a circumstance that interfered somewhat with our sociability, though we were all travelers towards the same bourn. These coming by way of the Platte may have been more reasonably equipped for the journey than ourselves, but we neither craved nor sought their advice, or assistance; nor did they ask our aid in burying their dead. The frequency of new made graves, with the name of the occupant chalked on a piece of board above each, along this part of the route, was anything but reassuring. Had the wolves been susceptible to the disease, many of them must have perished from exhuming and devouring the dead.

Further up the river we began to notice, up in the branches of the cottonwood trees on rude scaffoldings, what appeared to be in each case a roll of buffalo skins. We presently learned that each bundle contained the dead body of an Indian. It was their manner of interring the dead, so to speak. This precaution was taken to keep the bodies out of reach of the wolves. Buried in the ground they would quite surely be dug up by these voracious creatures.

This was the country in common of the buffalo, the wolf and the Indian. Wherever the first frequented, the others were sure to be found. Here had been obtained the large quantities of buffalo skins, piled on wagons, like great loads of hay, we had met weeks before down on the line. At the places of crossing the rivers by the buffalo the ground, for acres and acres in extent, was literally white with their bones. In vast numbers they had been slaughtered by the Indians as they emerged, crowded together, from the river. The destruction of these harmless beasts has at times been most wanton. But this cruel practice must not be attributed to the Red savages of America alone. White men, and even valiant hunters all the way from Europe, have indulged in the sport, as they are pleased to term it. Men have been met base enough to be proud of a reputation for having slaughtered a large number of these black cattle of the Plains within a certain time. But fortunately such characters, like the buffalo itself, are now scarce.

Alarms in camp at night were not unusual; in fact we became quite accustomed to look for them on certain portions of the trail. They were most apprehended when Charley Scofield, one of our boys, was on duty as watchman. He was a large but decidedly timid young man, In a dark night he could see whole packs of wolves and tribes of Indians, when no one else could perceive the shadow of either. Upon the smallest pretext he would sometimes arouse the camp, and we got quite in the habit of disregarding his alarms; until finally we had a literal illustration of the fable of the boy that cried wolf too often. While Charley was on watch, (it was a dark and stormy night,) the wolves actually came and drove him in, under a state of great excitement. What with his loud yelling, the snorting of the horses and braying of mules, to say nothing about the hideous howling of the wolves, the camp was soon in a terrible state of turmoil. With our rifles we soon put the intruders to flight, suffering ourselves only from fright. It was never the habit of the Indians to make night attacks, and we had less to fear from them than from the wolves.

We pursued our course up the right bank of the Platte for perhaps a week, never diverging far from the stream, and without encountering any unusual difficulties. When about opposite the point where the north and south forks of the Platte unite to form the main river, which we had been hugging for many days, we began to meet straggling Indians on horseback. The first were presently followed by others and then by their women and children, each one, whether man, women, or child, riding bareback an animal suited to his size; the little children being mounted on mere colts, the women on small horses and the Indians on larger ones. They were all in full Indian costume, which means not a very full costume of any kind, but adorned as they were with feathers and furs, they were decidedly picturesque. People thus attired are usually called blanket Indians, but these, I am sure, had but few if any blankets. Their garments were mostly of skins and without any particular pattern by which to designate them. The women rode astride, but with stirrup-straps so short as to bring their knees up on a level with the horses shoulders. They were of the Sioux tribe, which was then at war with the Pawnees. Most of the young men, as we understood, were away somewhere up north, in pursuit of their enemy. The noncombatants of the tribe, the old men, women and children whom we saw, were, for safety, encamped over between the forks of the river. Those left behind were a numerous people and some of them had crossed the river, the South Platte, and come down the trail to meet and to greet us. They were making the most of the white visitation of that year. They wanted whatever we had to give them, which was meager enough, considering their numbers. Not one of them could speak a word of English, but the nearest approach to it was to exclaim in a friendly way. "How, how," meaning of course, How-de-do. The men asked over and over again for "wisk," which we reluctanly interpreted to mean whiskey, with which however we were unable to supply them. It was with some difficulty, we could convince them of this fact. We had somewhere down among our luggage, a single bottle of pale brandy, given us, as we were leaving our home, by General De Mott, ex-member of Congress, to serve in case of cholera; but as we were not yet beyond the sphere of that dread disease, we could not reproach ourselves for want of hospitality in not giving our medicine up to our thirsty guests.

It is but just to say here that in a very little while we fell under great obligations to these same Sioux. The river had to be crossed nearly opposite their encampment. Our line of travel lay in that direction. The South Platte was very broad, hardly less, it seems to me, than half a mile. It was not so shallow as in some other places, and less rapid, but the bottom was one continuous bed of quicksand. Our dependence was entirely upon the Indians to pilot us over. They made known by signs their ability and willingness to do so, and led off in single file, followed by our train. The course of the procession was by no means straight across, it was in truth quite tortuous, but once in the stream, it was absolutely indispensable to keep moving. To hesitate was to be lost. A brief pause would have resulted in a horse or wagon settling down in the quicksand, possibly beyond redemption. As it was, and with the best of management, the wagons were almost submerged to the bodies. Happy were we all when at last on terra firma again, and so grateful to our Indian guides that had they asked again for our bottle of brandy, it could hardly be refused them.

The Sioux encampment near which we halted for the night, consisted of a great number of lodges, sometimes called tepees, but better known in the East as wigwams, scattered, without any attempt at order, over a wide level space. They were all of the same style, each formed upon a framework of slim poles twenty feet and upwards in length, set upon end three or four feet apart, in a circle, having a diameter of perhaps a dozen feet or more. The tops were all drawn together and bound something less than twenty feet from the ground. The upper ends of the poles above the place of uniting, pointed in every direction, forming a tuft on a large scale. This cone-shaped frame work of the lodge was covered from base to apex with tanned buffalo skins, denuded of hair and sewed together with thongs, to keep out the wind and storms so common in that country. The skins in tanning were thoroughly smoked, the better to shed the rain. The single opening in each lodge was formed by turning back a triangular flap. Many of the lodges, on the outside, were ornamented with rude figures of horses, armed warriors on horseback, buffalos, wolves, buffalo hunters in full chase, human figures in various costumes and some without any, other animals and what not, laid on with gay colored pigments. Viewed singly, or as a whole, these lodges were exceedingly picturesque. Each accomodated a family, living in quiet contentment. I think the chief of the tribe, was, with the head men, off on the warpath against the Pawnees; at all events we saw nothing of him. These Indians were quite a different race from the Pottawatomies and others we had met back in Kansas. There was no attempt at civilization here. The Sioux were nomadic, and buffalo hunters, living on flesh food alone. They had never mingled to any extent with the white man, and had only learned from him the one vice of whisky drinking.

Leaving the Sioux settlement the next morning, we crossed over the gore, formed by the junction of the two rivers, and approached the North Platte by following down Ash-Hallow. We camped at night in a sparsely wooded portion of the ravine, the timber being of the cottonwood species, and not ash, as the name of the ravine would seem to indicate. Here on some ant-hills in our camp were discovered a number of little white beads, not much larger than mustard seeds. These had been brought to the surface together with small gravel by those industrious insects. We hardly knew what to make of this discovery at first, but concluded finally that our camp was located on an old Indian burying ground, that bead ornaments had been buried with the dead, and that the ants had penetrated the graves, and brought the beads to the surface with the sand. This view of the matter did not disturb our equanimity; we slept well upon the ant-hills, and possibly upon graves. This incident may seem trifling, but, nevertheless, it was a great surprise to find even so small evidence of civilization in that remote and unfrequented region.

We followed up the south margin of the North Platte for some weeks, but our progress was slow. Some trains, more sensibly equipped, passed ahead of us, much to our annoyance. The greatest happiness vouchsafed to man is relief from pain; next to that probably is escape from danger, and before completing this stretch of our journey we found occasion to congratulate ourselves on having passed beyond the reach of cholera. We were therefore not altogether miserable, even if we were a little behind some others.

Antelopes, exceedingly shy, were seen at all hours of the day, but the buffalo rarely. Some carcases of these however, proved that the herds were not long away. I was surprised to find the buffalo, judging from the half devoured remains, a much larger animal than I had pictured to myself. The wolves along here were remarkable for their boldness. When encountered away from the main road, they would, showing their teeth, hesitate to leave the path of a person on horseback. A pistol shot however would usually serve to drive them, skulking a little, to one side. While away from the train one day I suddenly came upon three of these vicious creatures sunning themselves directly in my path. They were not disposed to yield me the right of way, and, my horse being none of the swiftest, I knew it was safer to face them than to run. Besides my pistols, I was armed with a rifle, and came off victorious.

We came at last, as in the case of meeting the Sioux, to a point in our route where another river had to be crossed. But here the circumstances were different. The North Platte, unlike the South, is a deep and rapid stream. How its passage was to be made did not at first appear, but where there is a will there is a way, so we set about preparing rafts for the transportation of everything but the animals; they could swim. Before progressing far in our new undertaking we were fortunate in being overtaken by a train that had taken the precaution to provide against an emergency of this kind, by making the body of one of their wagons in the form of a boat. The men of this first ferried all of their own belongings over, and then, for a consideration, did as much for us. Our mules and horses, of course, swam. But now came a trial of our patience, such as we had not hitherto encountered. Before we could put our dismembered wagons together, and load on the freight, a terrific storm of wind, rain and hail came sweeping down the river valley, and so suddenly as to take us all by surprise. The hail pelted the animals so furiously that they stampeded and ran away, some of them for miles. Our joy at having so happily crossed the river was of short duration. We had been bad enough off on the other side, but were now thrown into a still worse predicament. It was late in the night before we recovered our lost teams and saddle horses. We had no opportunity to establish a camp, or create a fire. Cold and wet in a pelting storm, we passed the most disagreeable night I ever remember.

Following up the left margin of the North Platte, which had just been crossed, we were to arrive in a week or two at Fort Laramie, a point looked forward to by all voyagers with much anxiety. It was among the first of the white man's trading posts on the Plains and had for many years been a prominent fur trading station. We were, in moving up on this stretch of our journey, still in the country of the buffalo. Here in this more elevated region, approaching the great backbone of the continent, vast herds of these black cattle of the natives, found their summer pasture range. Their wallows were everywhere seen in the light sandy soil of the bottom lands. These were saucer-shaped excavations, twenty feet or so across and two or three feet in depth. In these the buffalo, when undisturbed by hunters, were wont to disport themselves, wallowing in the sand and dust to rid themselves of the buffalo fly. Animals, like human beings, have their troubles; the great pest of the buffalo was this very small black gnat. Unlike the mosquito it was noiseless, but like the mosquito it was extremely blood thirsty. Its natural prey, judging from the name given it, was the buffalo, but, in the absence of the buffalo from these parts at this time, its whole attention was turned upon human invaders. Before we were fully aware of their presence, these silent little fellows devoted their whole attention to us, as shown by our livid and swollen faces. There was no opportunity for retreat from our unseen enemy, and our only hope was to get beyond their lines and thus make good our escape.

It may have been along here, but I rather think it was lower down on the trail, that we observed the peculiar routes of migration of the buffalo. I have no recollection of ever seeing them described. It is known that the buffalo were in the habit of migrating in great herds, to the north or to the south, as the wants of the season required, but there is evidence that such movements were effected with wonderful regularity. We observed groups of paths, forty or fifty in number, about three feet apart, perfectly parallel with each other, and worn by much treading sometimes to the depth of a foot. These groups of paths stretched off as far as one could see in practically straight lines, but when diverted, little, or much, on account of some obstruction, the parallelism of the paths would be strictly maintained, showing distinctly that these armies of brutes, in their migrating movements, marched in solid phalanx preserving perfect order and with just as many abreast as the paths indicated. Instinctively they adopted like tactics as the Roman legions, and probably with the similar purpose of security against unforeseen enemies. For aught we could see these groups of paths may have extended all the way from Texas to the border of Canada, but it must be observed that while their course was generally north and south the lines always pointed towards some ford of a river.

CHAPTER IV

1849

FORT LARAMIE — PACKING — BAD LANDS — NATURAL WONDERS — RATTLESNAKES AND PRAIRIE-DOGS — SOUTH PASS — GREEN RIVER — FORT BRIDGER — SALT LAKE — THE HUMBOLDT — DESERT — SIERRAS — GEN. RILEY.

ON arriving at Fort Laramie, which we found too be a mere stockade, we counseled together, and in view of the poor progress made over the first seven hundred miles of our journey, we unanimously concluded to abandon our wagons and their contents, reserving only such articles of food and clothing as we could pack on the mules.

We constructed out of the wreckage a number of pack-saddles, and obtained at the Fort quite a supply of jerked buffalo meat, which, with a few sacks of flour, a little bacon, some rice and beans, sugar and coffee, constituted our fare from that time on. Of dried buffalo meat there was a whole roomful at the fort, and what we got proved to be the most useful food we had. It needed not to be cooked. Cut in thin flakes and thoroughly dried in the sun, it broke easily. It was palatable, even when one was not hungry.

Our wagons and their contents, including the cumbersome gold washing machines, were scattered on the plain and left, with little regret, for any one who might wish to convert them into treasure trove.

Our speed was wonderfully improved by the change. Each of the seven of us had a horse or mule to ride and a pack animal to look after. Unhampered now our progress for the future was all that could be desired, and resulted in our reaching California in the very van of the immigration overland.

We were now in territory which afterwards became the state of Wyoming, famous for leading off in favor of woman suffrage. Nothing at that time forshadowed that sentiment, unless it was a poor woman we passed one day standing by the roadside, trying to hide her tears. The men of the train to which she belonged were exerting themselves to the utmost to extricate their wagons from a very bad part of the road, while the woman was evidently thinking about her home and the friends she had left.

We were getting now beyond the Plains. The country was more broken. The Bad-lands once seen are never forgotten. Mention was often made, in pioneer days, of certain remarkable geological and topographical formations on the route, such as Courthouse Rock, Chimney Rock, Independence Rock and Scott's Bluffs, all worth seeing, but not calling for a description here.

The clearness of the atmosphere in all this region is something remarkable, and if not taken into account in judging of distances, is quite certain to lead one into difficulty. An object on the plain, or over intervening hills, ten or a dozen miles away, might appear to be only one or two. A little experience of this kind, as an object lesson, fell to my lot. Leaving my horse in camp one day to graze, I started on foot to visit Courthouse Rock, not much more than a mile away, as it seemed; but I walked three or four hours at a brisk pace before reaching it. Night had set in when again I joined the train, which had moved on without me.

The prairie-dog, a denizen of these parts, was found in large villages, as they were called. This little animal, of the marmot species, remains impressed on my memory in a peculiar way. A man by the name of Burke, an old Canadian frontiersman, was traveling with another company as cook, and having crossed the Plains before was presumed to know more about everything round there than ordinary travelers. One day Burke skinned and cooked one of these prairie-dogs for supper and invited me to partake of it, which I did, more from curiosity than from hunger. It might have relished better had it been called by some other name. I doubt if it is at all preferable to any other dog meat.

The prairie-dog has a suitable companion in the rattlesnake. It is very common to find the two occupying the same hole in the ground, and living on terms of perfect friendship. The hole they live in is vertical and never deep; and the dirt taken from it is piled up around the edge, so that a village of them at a distance has the appearance of a landscape dotted over with little hillocks. The prairie-dog and the rattlesnake abound in the same country, and very many of the latter were found along the Sweetwater; so many, indeed, that we ceased to waste our ammunition upon them, or to spare the time to kill them. Some of them were enormously large. I hardly dare say how large. Before they became such familiar objects, I undertook one day, with my long rifle, to poke one of them out of his hole, and in doing so got some clay in the muzzle of my gun. When the snake came winding up the barrel, I hastily fired at him, and so split the end of my rifle.

It was especially disagreeable sleeping on the ground in this rattlesnake infested region, but we stretched a riata, made partly of horsehair, on the ground around our beds, having been told that a snake would avoid a rope of hair and not crawl over it; none did so far as we know.

But we soon passed beyond this region of rattlesnakes, a locality still designated in Wyoming as "Rattlesnake Hills."

The Sweetwater River, which we were now following up, is a beautiful stream of limpid water. It takes its rise in the South Pass of the Rocky Mountains, just where we crossed and within a stone's throw of the course of a tributary of

Green River, which, flowing far down through the Grand Canyon of the Colorado, finally reaches the Pacific Ocean.

Though in a warm season of the year, a night spent at the highest point in the Pass was disagreeably cold. A heavy frost covered the ground, and our blankets afforded but poor protection against it. When morning came, time was not wasted in getting down to a warmer altitude.

We could at last realize that the climax of our journey was past. The waters wore now flowing westward, the way we were going. Hitherto they had been in the opposite direction, seeking the Atlantic. For the first time we seemed to be nearing our destination; though yet much farther from it than we were willing to believe.

No longer ago than when I was taught geography, all the country traversed by us between the Missouri frontier and the Rocky Mountains, was represented on the map of North America by a large blank space, without a road or river running through it. Across this space in large type were printed these words; "Great American Desert," and, as I now saw this region, not a score of years later, it did not occur to me that the geographer, whose name was Olney, had made much of a mistake. Little did I, in 1849, suppose that in my time there would be carved out of this so called desert, eight or ten populous and prosperous commonwealths.

It is true that in 1849 we failed to see, as pictured in the early school books, the Indian hunter mounted on his swift steed, in full chase after the buffalo; but the Indian and the buffalo were still there; the buffalo, however, had now been overtaken and slain. Nor did it occur to me then, that in later years it might devolve upon me to participate in bringing about, through legislation, this wonderful transformation of the Great American Desert.

From the Rocky Mountains, in going west, we entered upon the sagebrush country, which extended all the way to California. The same enterprising geographer spoken of, had given this country also a designation on his map. It was called "Unexplored Regions," and upon those regions we entered as soon as we left the South Pass. He made no mistake, so far as related to those portions which were subsequently erected into the states of Utah and Nevada. That they remained unexplored a long time is evidenced by the recent discovery in them of mines of unexampled richness.

Many of the gold hunters of that year, or, as they might prefer to be called, emigrants, struck off from the South Pass, a little to the north of west, taking what was known as the Fort Hall route. Our course lay rather to the south of west, a direction chosen by us at the time.

The next, and really the most formidable obstruction encountered on the whole journey, was the Green River. I have since seen that river when it was a small, sluggish and almost stagnant stream; a condition which may have given it the name; but now it was running bankfull, fed from the melting snows at its source in the Wind River range. It was far too wide to stretch a rope across, had we possessed one, and was very rapid. The only way to make its passage was by constructing rafts out of the dry cottonwood logs and sticks, not too plentifully strewn along its margin. A thing without beginning and without end, a river under such circumstances truly seems to be. To cross with our traps, we had to construct as many as three rafts. Each raft in turn supported a portion of our baggage and two of the men. When afloat it was so forcibly borne down stream by the rapid current, that a landing could only be effected on the other side perhaps a mile below. That raft was then of no further use. To get it back across involved going down another mile and much too far from the place of its construction. To pull it up the stream was next to impossible, and the only alternative was to make a new one. But the third and last landed the remaining three of us, with the balance of our luggage, on the right bank of the Green; all now together a happy company. Our animals had entered the turbulent water with much reluctance, but swimming, were soon over.

Before leaving this locality, another pack train came up on the other side of the river. They adopted our method of crossing. Constructing at first a pretty large raft, four of their men, with too much baggage, attempted to cross, but in the middle of the stream, the men losing their heads, the raft became unmanageable and went to pieces. The men were all thrown in the water, two swam ashore, but two were drowned. They were young men from Kentucky and said to be well known there. Their names were Galt and Ford. We were unable to render them any assistance. Their bodies were never recovered.

Not much further along, and still within the boundary of the present state of Wyoming, we came to Fort Bridger. It was like others, a mere palisade, but well constructed. It was situated on a level plain, through which coursed, or rather loitered, a deep stream, in a loop of which the fort was located, the stream serving as a moat, nearly surrounding the fort. "Old Jim Bridger" was there and his Indian wife also, but we saw nothing of her. Bridger was upwards of seventy years of age, but did not look to be over fifty. He had spent nearly all his life as a trapper in the mountains, but what seemed odd to us, this, his home, was located apparently as far away from the mountains as he could get. He had much to say about the different tribes. According to his own report, he had been in frequent collisions with the Indians, and was quite willing, if his word was to be taken, to encounter, at any time, with the odds against him, other difficulties of that sort. It was evident from his conversation that he was not on the best of terms with all his native American neighbors.

To reach the valley of the Great Salt Lake, we climbed over the high Wasatch range, at a point nearly opposite the south end of the lake, if my memory now serves me. The view of the valley from that point was something grand.

Once down in the valley we trecked some miles to the northward and came upon the new Mormon settlement. There was no city then, but only a scattered community of small holdings; each family having an allotment of a few acres at most, inclosed by itself. They had been there in that isolated and lonesome place a year or so, and had become weaned from the luxuries of civilization, unless we except tea and coffee, which the women were extremely anxious to obtain from us. We could accomodate them only to a very limited extent, which we were most happy to do, they bringing in exchange bountiful gifts of milk and cheese.

Brigham Young and two brothers of his were there, and as one of our men, Mynderse Himrod, had known one of the Youngs in Tompkins County, New York, we were soon on terms with the whole colony.

Brigham Young, with a small detachment of followers, first arrived at Salt Lake City on the 24th of July, 1847. He then returned to Council Bluffs and piloted a larger number of his people over the plains, reaching the valley with them in 1848, when the settlement began in earnest. But not much progress had been made when we passed through. Their dwellings were usually mere earth-made huts, and their fences consisted of ditch and embankments. It was yet a most forlorn place for the women. Nothing short of sincere zeal could have contented them with the situation.

After some days of agreeable rest with these kindhearted people, we passed around the northern extremity of the lake, crossing Bear River near where the bridge of the Pacific Railroad was afterwards built. The margins of this river were at the time covered with a dense growth of underbrush, quite down to the water's edge. One of our best horses in swimming over failed to strike the landing place on the opposite side, became entangled in the willows and before assistance could be rendered, perished.

We passed by Steeple Rocks, most appropriately named, without stopping, and celebrated the Fourth of July at Humboldt Wells, by firing off our guns and feasting on cold boiled rice, the most luxurious food then at our disposal.

The Humboldt was in those days better known as the St. Mary's river. Though following down the general course of that stream, we were much of the time from its border and among the sage bushes.

The Indians along here, the Shosones, were inclined to be a little troublesome. They kept out of our sight as much as possible, but would occasionally pop up in a most unexpected place. It was understood they were particularly found of mule meat, but we were careful not to gratify their taste in this particular. We had no very positive evidence of their hostility and were willing to believe them as friendly as savages usually are.

But the numerous Indian wars in America, and the uncontrollable animosity towards the whites of some of the tribes, like the Seminoles in early times and the Comanches and Apaches later, has aroused in the minds of a portion of our population a sentiment of hostility towards the entire Indian race. This feeling was so well developed in one member of our party, that he conceived a strong desire to kill an Indian. He justified his inclination by the plea that some remote ancestor of his had suffered at the hand of the red man. And then he seemed to think it would be something to boast of, when he returned home, that he had shot an Indian. We tried to persuade him that he could just as well, if he wished to do so, proclaim that he had killed an Indian and brag about it to his heart's content, without actually killing one; and that it would be better for him to lie about it than to commit a wilful murder in order that he might be in a position to tell the truth; and the truth too about so horrible an affair. But he was persistent in his determination to gratify his ambition, and was only deterred from doing so by being told with emphasis, that if he shot an Indian it would be his turn next. Of course he would not have been shot, but we were as willing to perpetrate a falsehood to save the life of a human being, as he had been to kill one, in order that he might be able to tell the truth. The morals involved in the case are not discussed.

The Sink of the Humboldt, a low level locality dotted over with bogs and sinkholes, was entirely destitute of drinkable water, of which, just then, we stood in pressing need. From here we had to cross a stretch of forty miles of sandy desert. Without water for ourselves or our animals, even to start with, this was a disagreeable undertaking. The day was hot and we set out on our tramp late in the afternoon. For most of the way it was wading through sand half knee deep. Though we kept up our best speed all night, without a moment's rest, it was long after sunrise the next morning when we arrived at the Carson River, a clear mountain stream. So overcome with thirst were the animals, that they rushed into the tide, and while drinking submerged their noses quite up to their eyes.

As soon as we had come in sight of the trees that skirted the Carson, though miles away, the mules seemed to take new life and pressed forward without urging, but two or three of them, before that, had entirely given out and could go no further. Taking back some water to revive the poor beasts all were finally brought safely in. It is well known that in 1849, and in subsequent years, large numbers of animals, and according to report, a few persons, perished on that desert.

Following the Carson up we came to the abrupt eastern base of the high Sierra Nevada Range. Touring thence southward and skirting along it, we came eventually to the opening of a very rocky gorge, leading into the mountains, up which we wound our way till we arrived at a small lake, little more than a pond, cozily ensconced in a bench of the mountain. Passing to the north of this lake we climbed up and up over deep snow, until at last, nearly exhausted, we arrived at the sharp summit. The apex was as distinctly outlined as the steep roof of a house, and on reaching it the whole of California appeared at once spread out before us, a most inspiring sight. It was to us the promised land. Moses in viewing Canaan from Pisgah's height could hardly have been more delighted. After a tedious, but not uninteresting journey of more than two thousand miles, through one continuous wilderness, lasting nearly three months, we had at last reached the land of gold. Nothing anywhere about appeared to indicate that a human being had ever preceded us. In all the ages the whole of that immense expanse had remained a solitude, hardly any small portion of it having ever been penetrated by civilized man, The unparallelled wonders of Yosemite and of the giant forests of the Sierras, unequaled anywhere in the world, then all unknown, were immediately under our eye; but had we been aware of their existence, our astonishment at what we saw could hardly have been greater. It was with reluctance we tore ourselves away from this entrancing view

Only an incident or two worth noticing occurred on our short journey from the lofty Sierras down to the Sacramento. The highest portion of the range being rocky and nearly all the year enveloped in snow, was, in the main destitute of vegetation. The descent at first quite precipitous became less so, as we advanced, ending off in a gentle slope, which presented every appearance of an extensive park, thickly studded with trees of enormous growth.

Before passing entirely out of this magnificent forest, we met a military officer of high rank accompanied by two of his staff; all in undress uniform, and like ourselves on horseback. It was General Riley, then Military Governor of the Territory of California. He was on a tour of observation through the mountains with a view to making an official report to the Government at Washington on the gold mines. He was as anxious to obtain information touching the overland immigration as we were to learn something about California. The General, it is remembered, had a very marked impediment in his speech caused, I believe, by a face wound received in battle.

Lower down towards the valley and near where the town of Placerville now stands, we came upon some miners at work in a ravine. We gained but little information from them, nor did they learn much from us. They were searching for gold, we for a place of rest.

Down near the level of the rivers the trees, mostly live-oak, were more scattering and scraggy; and there were stretches of open plain without any trees. The river courses were indicated by dark lines of trees, generally sycamore, which hid the water from view until one was close upon it. The American branch of the Sacramento we came to first. Its waters were clear and limpid; but have never been so since. Near its margin, less than a dozen miles from its mouth, we camped for the night. It was on the 23d day of July. We had left Independence on the 24th of April, three months before. Our trip was regarded as a very speedy one, since none of the trains was ahead of us.

We were to visit Sutter's Fort the next morning, and in order to get an early start prepared our breakfast before lying down for the night. In the morning our prepared breakfast was all gone. Its loss could not be accounted for until something bright was observed on the plain. It was one of our tin plates. The coyotes had come while we slept and stolen our breakfast, dishes and all.

CHAPTER V

1849

SUTTER'S FORT — THE CAPTAIN — THE EMBARCADERO — CLOTH HOUSES — LARGE VESSELS — THE EDWARD EVERETT — GOLD DUST — SACRAMENTO PEOPLE.

THE journey overland was completed on the 24th day of July, 1849, just ninety days after our departure from the Missouri frontier. On the morning of that day we arrived at Sutter's Fort, a place much talked about in the East in connection with the discovery of gold. The Fort was quite a pretentious establishment, quadrangular in form, and constructed of adobe, but with some wood used in the roofing. A large arch at the entrance was the only outside opening. It was designed as a place of security against possible hostile Indians. Inside the Fort had anything but a cheerful appearance, but Captain Sutter was then living there, attended by a few Indians as servants. The Captain was a man of extreme politeness and greeted us with great cordiality. His education had been that of an officer in the Swiss Army and in manners he was precise and formal.

There was nothing in our tatterdemalion appearance to call for his courtesy, but, nevertheless, he seemed pleased to meet us. The arrival of persons from the other side of the continent at his place, in the former days of his residence there, had been rare events in his life, and the throng of 1849 had not yet begun to crowd upon his hospitality.

The good Captain gave us much, and, as we then thought, valuable information about the mines, and advised us freely regarding our future movements. He spoke of his sawmill on the South Fork of the American River, some fifty miles or more away in the mountains, as the probable center of the gold diggings. Entirely ignorant as we were of the business before us, we gladly accepted the opinion of so distinguished a person as Captain Sutter.

For our own much needed rest and to recruit our weary animals, we camped a few days under a large spreading liveoak tree standing just where the magnificent State Capitol is now located. Other oaks of the evergreen species were scattered over the plain at that time, and among them very good pasture for our horses and mules was found.

Sacramento then was always spoken of as the Embarcadero, the Spanish for landing-place. Along the river bank large vessels were moored to trees growing there. Not far from the water's edge were many tents, and not a few houses, if they might be called such, covered as they were, top and side, with cotton sheeting. They were variable in size but uniform in style, all being constructed on slender frames of wood. These tenements were occupied for stores, boarding-houses, gambling saloons and various other purposes, but all were without other floor than the bare ground. They were strung along the river front in a row, and each one was open at either end.

The thick growth of underbrush had been partially cleared away for some distance out along the present line of J street, and some frail tenements were erected on either side. In one of these, just about where Second Street now crosses J, we stored for safe keeping, with some new found friend, our little surplus baggage. We never saw hide nor hair of it afterwards. The loss of it, however, was counted of so little consequence, that even the name of the person with whom it had been left was not remembered.

The vessels spoken of as tied to the trees were seagoing craft, much larger and drawing far more water than vessels navigating the river in after years, when the waters had become shoaled by debris from the mines.

Among the ships that had lately arrived at the Embarcadero was the Edward Everett, from Boston. A large number of her passengers, or crew, all clad in bright new toggery, with packs on their backs, and full of hope, had been met by us a mile or two out from the river on the morning of our arrival. They were bound for the mines and were taking with them everything that was thought might contribute to their comfort in their new vocation. Their contrast in appearance with us, just in from our long journey, was so great they would hardly have recognized us as fellow citizens, but for the circumstance of our being on horseback, while they were trudging along on foot. Many years afterwards I met some of these same Edward Everett men, under widely different conditions, but the incident of our meeting in '49 was not forgotten.

The Embarcadero in the summer of that year, at all hours of the day and night, was thronged with newcomers, and with persons trading with or going to the mines. Many, like ourselves, were leisurely making preparations for a trip to the diggings. There was little excitement observable then, unless perchance it might be caused by the arrival of some one from the mountains laden with gold or bringing an extravagant account of new discoveries. But even that would soon wear away. The richness of the gold-fields was an accepted fact and the discussion of them regarded as commonplace. Gold dust was plentiful and the only currency employed in the transaction of business. Every person was provided with a little buckskin bag in which to carry his unminted change, and nearly every one had a small pair of balances with a full set of weights, ranging from a pennyweight to an ounce or two, with which to measure the price of his purchase or the value of his sales. The dust, as it was called, was not dust at all, but in the form of scales or lumps; lumps of all sizes and shapes and scales like those of a small fish. This gold passed currently and uniformly at sixteen dollars the ounce, a rate never refused or disputed. One could but notice the palpable carelessness in handling the gold and in making change. No inconsiderable waste occured in that way. Much indifference was observable in the matter of weighing; a little more or less made no difference. There was no discrimination as to the quality or fineness of the product. In business places, large quantities of the dust, often thousands of dollars in value, were exposed in dishes, of no particular kind, at all hours of the day. No care was taken to keep it out of sight or reach; nor did there seem to be any occasion for doing so. Some of this gold, of course, was brought down by the miners themselves, but most of it in those very early days, I think, found its way out through traders in provisions and miners' supplies.

We were preceded in reaching California that summer by a few Mormon boys, who had left Salt Lake early in the Spring, but we were the first that year to make the trip quite across the country. Many coming by way of the Isthmus, and a few, like the Edward Everett's crew, doubling the Cape, arrived in California in advance of us. People were also here, when we arrived, from Mexico, mostly from the States of Sonora and Chihuahua; from Chili; from the Sandwich Islands; from Sidney, and not a few from Oregon; but altogether the population for so wide a country was exceedingly sparse. It would have been the easiest thing in the world in those days for one to find a place of solitude in California, had he desired it.

CHAPTER VI

1849

TO THE MINES — SUTTER'S MILL — COLOMA — GREENWOOD — MIDDLE FORK — MINING — GEORGETOWN — OREGON GULCH — WINTER — GRIZZLY — ELECTION — MAMALUKE HILL — ENGLISH SAILORS.

AFTER a few days of enjoyable repose, three of us, my brother Elijah, James Caywood, and myself, taking a single mule to bear our provisions, a few mining implements, and a very limited camp equipment, pulled out, on foot, for the mines. Each carried his own blankets and perhaps a little besides. Our first objective point was Sutter's Mill. We took our time in going, there being no longer any hurry about reaching the diggings. It had ceased to appear to us that the mines were liable to be exhausted, as those of Old Spain had become when worked by the Romans.

Not much more than a week had elapsed since some of us were on our way back to the mountains, but this time in quest of gold, at which business nearly everybody in those days was disposed to try his hand.

Sutter's Mill, near which we camped the third or fourth night out, had from disuse fallen into partial decay. It was standing there on the left margin of the South Fork of the American, a typical old-fashioned sawmill, such as you would see in any new country. It was already considerably dilapidated. The frame was intact, but not so the slab roof; nor were many of the fixtures of the mill in place. There was the saw, the gang, the pitman, the feedwheel, and some others, but all in a condition of extreme neglect. The building had never been more than partially inclosed, but there was evidence all about of its former use.

On the level ground adjoining the mill, on what in the east would be termed the logway, the town of Coloma afterwards sprang up. At this time it had barely begun its career, by becoming the headquarters of some miners and, at about the same time, a sort of trading post. Our stay there was brief. Finding a ford a little further up stream we crossed the river, but not without some difficulty, and with still greater difficulty climbed the long steep hill arising on the north side. Our course then lay through a continual forest, over towards the Middle Fork of the American, it having come to our ears from some source that the diggings were good on that river.

Part way over, on the elevated divide, we came upon a pretty little grass-covered ravine, where the old mountaineer Greenwood and his son John, with his Indian wife, were camping. A considerable settlement grew up on that spot afterwards. It is now called Greenwood Valley. From here, hardly knowing whither, we were going, we made our way to the northward until we encountered the deep gorge of the Middle Fork. The river, so far below, when seen at all, was like a silver thread; but on the following day we made our descent to it, leaving our mule on the high table-land to shift for himself. Our few belongings were dragged down the long steep declivity on an improvised brush sled.

The point where we struck the river may have been half a mile below the mouth of Canyon Creek. There was a bottom to the river, of course, but of river bottom, or level land along its border, there was none. The river had apparently broken through the jagged rocks, and was extremely irregular in its course.

Near it, however, we found a place level enough for our camp, and here we remained mining for more than two months. We had the usual experience of green miners of finding but little gold, and nothing worth while, for the first few days, and until we learned by experience how to conduct the business. Before many days elapsed, however, we became expert and succeeded to our heart's content. Our find was of the kind known as scale gold, which had been hammered flat, or in the form of fish scales, through long pounding among the loose and rolling stones. It was found in the crevices of the rocks and in every kind of loose earth along the river, but none in the rocky pools at the bottom of the river. The extreme rapidity of the current at times of high water had swept these holes clean of gold as well as of everything else. In more than one instance, where the river was diverted from its course by hopeful miners, to get at the bottom of some deep hole in the rock, great disappointment resulted.

We never dug to any considerable depth in our operations, that being impossible with such implements as were at hand. Whether for mining or cooking, our apparatus was extremely limited. The pan and pick and crevicing knife, in form of a bowie, constituted the outfit for one person. But in washing to separate the gold from the dirt, the pan was superseded as soon at it could be by the cradle, or rocker. This was worked to advantage by two men, the one to bring the dirt, panful at a time, to the rocker at the water's edge, to be there manipulated by his companion. The first emptied the contents of his pan into the hopper, while the other, seated by its side, rocked the cradle with one hand and with the other dipped water from the stream into the hopper in order to dissolve the dirt, which, carried off by the water out the lower end, left the gold, so much heavier, at the bottom of the cradle, to be gathered up after many panfuls of dirt had been so disposed of. There were three of us, but one was usually engaged in prospecting for more gold-bearing dirt, or in attending to camp duties.

It was a rule with us no longer to continue washing the dirt from a particular locality when the yield of gold proved to be less than an ounce a day for each of the three of us. We frequently made much more than an ounce a day to the hand.

It may seem strange, but gold was found in all kinds of earth; in clay, in loam, in sand, in gravel, among the rocks in deep and in shallow places. I remember at one time we discovered very rich diggings where the shining metal was interspersed among the grass roots in a deposit of black muck, and at another time, in a bed of sand over which we had tramped daily for weeks without suspecting the presence of gold there.

When one is doing well in a mine he is not inclined to let the fact be known to every one who happens to come along, lest the other should sit down by his side and mine on the same lead. There was very little respect paid to claims in those days. Every one worked where he pleased and when he pleased. Interference, one with another, seldom happened and was never complained of, since all were regarded as having equal rights in the general search.

There was a marked disposition on the part of nearly all to seek for better diggings. Frequently men were seen with packs on their backs tramping up and down the river and even climbing mountain heights in search of better places. Rumors of richer diggings, always at some distance away, were constantly in the air. Many a person that year wasted the entire summer in pursuit of something better, and approached the rainy season with his prospecting implements in the best of order, but without much else, and only enough grub in his pack to supply the wants of the passing day.

Our base of supplies for provisions, mining tools, and other needs, was at Coloma, as the settlement at Sutter's mill was already called. This was more than a dozen miles away and, as already seen, over the high divide separating the two Forks of the American. Here also could be obtained news from the outside world, and possibly letters, which had been ordered sent there. Our supplies, of whatever nature, were carried on our backs from the place of purchase to our camp, usually no inconsiderable burden, but cheerfully borne. The high divide between the rivers was comparatively level. It was an immense forest park of large trees with but little underbrush, and therefore easy to travel through; but getting out of, or descending into the river gorge at either end of the jaunt, was quite another thing, especially when one was weighed down with a heavy pack.

Staple articles of food in those days were Chili flour, not of good quality, and rusty salt pork, the latter bearing evidence, both in color and odor, of having made at least one, and probably more than one, voyage around Cape Horn. These supplies were obtained by the dealers from the holds of ships, marooned in the harbor of San Francisco by the desertion of their crews. No longer needed on board, these shipstores were prudently put upon the market for the use of the sailors and others in the mines. Late in the season we paid for this miserable pork a dollar and a half a pound, and for the flour a dollar a pound.

We never had any more convenient means of getting supplies to our camp than in the manner above related. Our single animal, deserted by us on the high mesa when we came to the Middle Fork, in turn deserted us. We saw no more of him. He was necessarily turned loose to graze and there was nothing to limit his wandering. A search for him after a few days had elasped, would have been as vain as looking for a needle in a haystack. Any one in possession of him could perhaps have made good his claim, as to treasure trove, a title nearly as valid, it may be, as we were able to assert to the gold we possessed. And then there was not, in all the country, at that time, a tribunal before which a claim to property could be asserted. A little experience of one of our former party, in this line, was conclusive, if not satisfactory. Finding a valuable animal of his in the herd of another packer, he sought to assert his ownership but utterly failed. Possession is always prima facie evidence of ownership, but in the mining days of California it was conclusive.

Fortunately our stock of provisions was occasionally supplemented by the flesh of a deer, which my brother, a good marksman, would bring down with his rifle.

The visit of one of our number as often as once a fortnight to Coloma, though usually for provisions was not for food alone. The names of the miners from all the country about, a long list, were left at a store there, when an enterprising person, a Mr. Grammar, armed with them, would proceed to San Francisco and after a personal search in the postoffice there, bring all the letters he could find for his patrons. He gaged the time of his visit so as to meet the incoming of each monthly steamer from Panama. For this mail service Mr. Grammar was willingly paid at the rate of a dollar a letter. His coming was the more eagerly awaited as he usually brought, besides letters, the general news from the East.

As the summer wore away we became more and more exercised concerning the steps to be taken in the way of preparation for the approaching rainy season. We were aware, from the abundant signs of high water along the river, that we could not remain in our present location a great while longer. The remains of salmon of the last year's run that had been stranded on high rocks in the stream indicated a probable rise of water that would completely submerge our camp.

About the first of October a moderate rain storm, the first of the season, further admonished us of the advisability of seeking some safer locality, and besides our brush house promised no protection whatever against a storm of any kind.

About this time, on a return trip from Coloma, laden with the usual burden of supplies, I fell in with a miner, bearing a pack like myself. His course lay a little further up the divide than mine, but as there was no certain path for me to take we trudged along together in his direction for several miles. Enjoying his company, I was led considerably out of my way and we reached the place where Georgetown afterwards sprang up, before separating. There was no settlement whatever there, at that time; but a man who had just arrived overland, with a light covered wagon, was camped by a little spring and was making money by baking pies, which he sold for a quarter of an ounce of gold apiece. The pies had a tempting look on the outside, but they were made of dried apples, and the apples in the pies were as dry as they ever had been. I have no doubt he brought them across the Plains with him. As a pastry cook the fellow was successful, at least, in coining money. My very agreeable fellow tramp joined me in the fruitless attempt to dispose of one of these pies and then, with some reluctance, on my part, we parted company; he going straight ahead while I turned to the left, down the divide. Before separating, I thought I detected in him a desire to get rid of me, he suggesting that I was getting too far away from my course. As I think of it now, it is hardly likely he would have tolerated my company much further. At all events, I became satisfied, or perhaps I ought to say, I became suspicious that his destination was some good mining locality. He was quite uncommunicative about his prospects, but let out enough to convince me that he had been mining with success. His were spoken of as dry diggings, as were all mines not immediately on a river.

It was on the 8th of October that we left the debris of our two months' home on the river margin, and, laden with our more useful effects, climbed up on the high tableland. By keeping further away from the river we avoided the gulches, which had given me so much annoyance a day or two before, and wended our way around to the head of Oregon Gulch, called so from some Oregonians having first mined in it. I do not remember that we found my traveling companion, but we did find many evidences of mining operations and a few mines at work.

Mining in the gulch had been exceedingly superficial, being confined to an examination of the little stream. Strange to say, the gulch appeared to our inexperienced minds to have been already worked out. We made our camp near by, however, and carried on for several days a fruitless search, it not occurring to us that the precious metal might have been, in the course of time, deposited elsewhere than in the very bottom of the stream, or that the stream might, in a geological period, have altered its course without taking the gold with it.

We had met with poor encouragement in our new locality, when, one day while carelessly prospecting with pick and pan, I took some yellow earth from under a loose rock at the side of the creek, and to my surprise, found on washing, that it yielded several chunks of coarse gold. This was on the left bank of the ravine, half a mile, it may be, down from the head. A steep wooded hill arose from the stream on the side of my discovery, but not so on the right bank, for we afterwards built a log hut for winter quarters on that side, a little back from the stream. Before making the cabin, our only protection against rain and snow was a piece of canvas, not much larger than a bed blanket, stretched over a single pole and pinned down on either side, but open at the ends. It was a poor apology for a tent and only afforded a place for sleeping.

To keep possession of my newfound claim my pan and pick were left in the place, this being the usual method of asserting ownership of a mine in those days, and it was always respected. The next morning the three of us set to work as best we could, with our limited means, to clear away the earth a little way back from the stream, in order to get down to the bed rock which was on a level with the bottom of the creek. The distance cut back could have been only a few feet, not more perhaps than a half dozen, as the bank was very steep. The length of the cut up and down the creek was but little greater, as I remember now. When we got down to the bed rock on a level with the bottom of the creek, our find was about all that could be desired. Coarse lump gold was abundant and for a week or two the yield in that mine was hundreds of dollars a day to the man. On the 11th of December, as the result of that day's work, the three of us had to divide, when weighed, at sixteen dollars to the ounce, almost the exact sum of $1849.00 It was the most we made any one day; the amount is easily remembered since it was obtained on the last day of our work in the year 1849. Heavy rains coming on just then, our mining operations were suspended for the season.

Having laid in a moderate supply of provisions, we went into winter quarters with some promise of comfort. The snow fell to a considerable depth in that high mountain region, and but little stirring forth for several months was possible.

The chimney of our house was between two huge pine trees, two hundred feet tall at least. These constituted the jambs of our fireplace which, as you may imagine, was exceedingly capacious. An old negro whose name was Sam, but was called Uncle Sam, found very comfortable lodgings, for those times, by stretching himself, wrapped in his blanket, on the earthern floor in front of our fire. One windy day when all were fast asleep, one of the enormous cones that grow on those trees, sometimes a foot and a half in length, fell from a high limb, down, directly through our open chimney, splashing into the smouldering embers, scattering them far and wide throughout the cabin. Uncle Sam, who lay nearest the fire, received the largest dose. It was a great surprise to us all, but to Sam it was a serious event. He was frightened for a time quite out of his senses, and it was with difficulty he could be made to believe that his time had not yet come. The door of our cabin was a blanket, or something like it, and as for windows there were none.

Early one morning when a hard crust had formed on the snow, the fresh tracks of a very large grizzly were observed crossing the ravine not far above us. Driven out by the snow and cold, if not by hunger, he was making his way down from the higher mountains. His weight was so great as to break through the crust of the snow at every step, when the weight of two men on a single foot could make no impression upon it. His track was fifteen inches in length and eight or nine across the toes. It was estimated he must have weighed full fifteen hundred pounds. His passing so near created considerable consternation in camp and several miners, well armed, started in pursuit but at a safe distance, as those remaining behind persisted in saying. The bear was not overtaken, though his tracks were followed until he crossed the river some miles below.

In the mountains at this altitude game was scarce at this season of the year. Earlier, and while it was yet warm, a condor could occasionally be seen circling high above the trees, but they too were now gone. These condors were so large that when lighting on the dead branches of the tall trees, the limb sometimes broke with a noise that could be heard far away. I think they were as large as the condors of the Andes, but they were always out of rifle range.

The miners in Oregon Canyon at that time numbered perhaps three or four dozen all told. Up near the head of the creek were camped some Oregonians, possibly the ones who had given name to the locality. Among them was a young woman, a frail sort of person, wife of one of the party and certainly the only one of her sex in all that part of the country. These Oregonians were not at all well housed for a severe winter and the poor woman sickened and died. We had hardly heard of her illness when the shocking report of her death came. It was a recognized duty of every one to lend a helping hand, on such an occasion, and it devolved upon me—I did not know at first exactly why—to read the funeral service. It leaked out that I had been educated at a Methodist college and that fact forestalled all excuses, though it is likely that others on the creek were better qualified for the solemn duty. The woman was laid in a coffinless grave up on the divide between the Oregon canyon and the one east of it, away, as was supposed, from all possiblity of ever being disturbed by mining operations. I have since been told that the country all about there has been sluiced away, but that the lonely grave of the Oregon woman was always respected.

In those primitive days the table land between the rivers was covered by an unbroken stretch of large trees, mostly sugar pine, and no small trees were found except along the gulches. The gentle mountain slopes resembled great parks and such then was the appearance of the present site of Georgetown, the very beginining of which has been spoken of in connection with the man who sold pies.

Deeply buried as we were in the solitude of the mountains and much of the time cut off from the sources of news, we heard nothing of the selection of delegates to the Constitutional convention of that year. I do not remember in what manner the representatives from our, which doubtless was the Sacramento district, were chosen. The proclamation for a convention to form a State government had been issued by General Riley before our arrival in the country, but very little publicity was given it, especially in the mining regions.

On the 13th of November, 1849, and after the nominations had been made, I went over to Coloma, a pretty tedious tramp, at that season, to vote for the State Constitution and State officers. As near as I can remember there was no opposition to the Constitution, nor to Peter H. Burnett for Governor.

Would you know what finally became of our mining operations, which on account of heavy storms had been suspended for the season? Our rich claim, having a frontage of not more than twenty feet on the arroyo and extending back into the hill indefinitely, was defined by no marks whatever other than the operation of digging. Any one was at liberty to sit down to work on ground not actually occupied by another, and accordingly a company of four English sailors had begun mining, just adjoining us up the stream, before the rains came. They had learned what we were doing, and sought to do likewise. They were all deserters from the same vessel in San Francisco Bay. Their names were Jack, and Andy, George and Sandy. They, like ourselves, had done well in the mine until driven out by the snow. They occupied for the winter a hut constructed by themselves near ours, and were our nearest neighbors in home as well as in mine.

For weeks together we were weatherbound in that lonesome place, an unusual experience for us, and the ennui was increased by an almost total lack of the means of amusement. Our discontent was augmented by somewhat impaired health, and our English neighbors, under the circumstances, offering us a thousand dollars for our little claim, we were shortsighted enough to accept it. Mine, as already described, was the initial movement in the development of that mining locality which afterwards became widely known as Mamaluke Hill and as Sailors Slide, from which millions of dollars in coarse gold have been taken. The largest chunk we found,—it was on the last day of our mining,—weighed more than ten ounces.

The English sailors were addicted to gambling. A poker game was a nightly occurrence in their quarters. Some denizens of the camp, outside of this quartette, were also wont to indulge in the sport. The betting was for gold and at times quite heavy, but the game must have been conducted fairly since no disputes ever arose over the stakes. It is but just to conclude that the playing may have been mainly for pastime during those long dreary winter nights in that high mountain fastness. There was little to amuse, or interest one, beyond storytelling, which was indulged in ad libatum. The opportunity for obtaining information concerning other countries, was good, since persons were met with in the mines from many different parts of the world. There was probably not a musical instrument of any kind within fifty miles of the place, but a taste for music was not wanting. The singing was more noticeable for volume than for melody.

By chance there has come to my hands a letter written by Ben. P. Currie, whom I do not know personally, but who is evidently an intelligent man. It relates to the subject in hand. He came to Oregon Canyon in December, 1849, and after that lived in Georgetown many years. His letter is confirmatory of my recollection about much that has been written, and I cannot better end this chapter than by quoting from it as follows:

"I came to Georgetown, named after George Phipps, one of the party of Sailors; moved immediately out to Oregon Canyon. Not being a good axman my partners delegated me to search for diggings while they were engaged in building a cabin. My first point was Oregon Canyon and Gulch. At Sailors Slide three claims were being worked. The 'Missouri,' 'Sailor' and 'Middle' claims. There was a disputed piece above, which was idle. The Cole Brothers were, I think, at that time working the 'Middle Claim' so called, of whom Ex-Senator Cornelius Cole was one.

"The surroundings of Oregon Canyon are too important to be ignored. I estimated the length of Oregon Canyon at 6,000 feet."

Mr. Currie after giving his reasons in detail, estimates the yield of the Canyon at $3,950,000.00. He then continues:

"The Sailors Slide, above referred to, lay between Hudson and Red Gulches, on the west side of the canyon. I recall here one incident. When the Sailors sold out and were preparing to leave, they called me into their cabin and exhibited to me $36,000.00, undivided, in one pan and two plates, the nuggets piled on the plates like hen's eggs. At $16.00 per ounce the weight was upwards of 180 lbs. Troy. This, mind, was the profit, for they divided each week sufficient for house expenses and pin money for each, and like all sailors were extravagant. There were four of them, one Andy Leister at the head. A peculiarity of this camp, probably not seen in any other portion of the state, was that of claims extending only half across the Canyon, two parties working opposite each other towards either bank, and only fifteen feet to the man up stream."

CHAPTER VII

1850

LEAVING THE MINES —WAYSIDE INNS—GOLDEN BURDEN—BAD ROADS — SACRAMENTO —SAM BRANNAN—ORLANDO MC'KNIGHT.

LEAVING the mines early in the Spring of 1580, I was pretty well loaded down with gold, but had nothing else to carry, not even an extra garment of any kind, Getting away from our winter quarters was almost like a release from involuntary confinement. With a companion, burdened like myself, I footed at all the way to Sacramento.

Wayside halting places had sprung up at frequent intervals along the way since I had passed over the same route, six months before, on my way up to the mines. These were mostly kept by people who had crossed the Plains the previous year and were endeavoring to accustom themselves to the different climate and conditions of the Pacific Coast. Their hostelries could hardly be called houses. None of them were constructed of sufficiently substantial materials to entitle them to that designation. Sawed lumber was not to be had and they were made of slabs and poles and shakes, covered with enough tent cloth, or bark, to shed a portion of the rain. Something to eat could be obtained in these crude places, and lodging too, if you would furnish your own blankets and occupy a bunk inside. There was no choice of beds; all were equally hard and none softer than the floor or the ground.

On this trip we preferred indoors for our lodgings, and our gold was kept with us, even when sleeping. Not the least uneasiness was felt about its escaping from us in the night. After suffering the hardships of a pack-animal during the day we slept soundly. The fascination for gold on the highways of California had not at that early day become so fully developed as in after years. Persons loaded with it could travel anywhere without the fear of being involuntarily relieved of their burden.

The keepers of these taverns were apparently quite content with dividends doled out in exchange for accomodations furnished in the form of meals and lodgings. It might have been otherwise had the sleeping been outside, or neglect of the establishments been shown.

If I remember well, we were four days in reaching Sacramento, but it was over an exceedingly muddy trail. It had been rendered next to impassable in places, by the floundering of numerous pack trains.

Sacramento had grown immensely since I had last seen it, but still it was a city of tents and cloth houses, with a few frail structures of lumber. Its streets were everywhere knee-deep with mud. Lodging houses and restaurants were about as numerous as the trading places. The stores all dealt in miner's supplies, furnished in exchange for gold dust, at reasonable rates, as competition was running high. Business was all conducted on a strictly cash basis. The owners, who were also the drivers of pack trains, did the purchasing on their account and always planked down the gold for their freightage. A large traffic was thus carried on with pack animals, the roads being in a condition to entirely preclude the use of wheels. Most of the roads all the way to the foothills, and even into the mountains, were rendered so boggy by the copious rains of that winter, that a loaded wagon would be sure to sink down to the hubs. A dozen yoke of oxen would fail to pull one out, for the oxen themselves were liable to sink down as deep as the wagon.

Mules with packs on their backs could pick their way, or, if need be, flounder through in some manner. But even the mules, sometimes unable to be extricated, would perish.

Sam Brannan, a name often heard, was one of the men doing a large business in Sacramento at that time, both in general merchandise and in shipping gold. Brannan had come to California three or four years before by way of Cape Horn, to found a Mormon colony on the Pacific Coast. He was a high-priest among the Mormons and brought a large number of them with him in the ship. But in the mighty turmoil that followed the discovery of gold, he quite forgot his Mormonism and embarked in more lucrative pursuits.

Mormon Island, near the junction of the two Forks of the American river, was early a mining camp of much fame. It grew under the auspices of Brannan and his colonists and, according to common report, he gathered, in the name of the church, from his people in the mines, a large amount of tithes, which, when demanded of him by his superior of the church, he refused to pay over. Being reminded that the tithes were the money of the Lord, he irreverently replied that when a draft of the owner was presented to him he would honor it at once and turn over every cent.

In Sacramento I stopped at the house of Orlando Mc Knight, a genial gentleman, with whom I become acquainted in after years. His establishment was on Front Street, and extended back at right angles with the river, in the form of a long hall, with bunks, one above another, strung along on either side, from front to rear. His hotel sign, in time, became quite well known. It has been printed but not entirely correctly in the "Annals of San Francisco." It ran as follows:

"Rest for the weary and storage for trunks,
A dollar apiece is the price of our bunks,
So up with your bodies and down with your dust,
For a-devil-a-bit will I take you on trust."

It would be difficult to estimate, even approxmiately, the population of Sacramento in the Spring of 1850. Of permanent population there was literally none, but the floating inhabitants must have numbered somewhere in the thousands. Not one out of ten thousand, then in California, thought seriously of making the Pacific Coast his continual abiding place. All were mere sojourners and everybody habitually talked about going home. It was long after the date mentioned, before I contemplated a lasting residence there. As a matter of fact, California was very generally regarded by the newcomers as quite undesirable for the homes of Eastern people. This notion grew out of the radical difference in climate there from the East. The four seasons, Spring, Summer, Autumn and Winter were unknown in California; and it was not easy for the immigration to become accustomed to a division of the year into two seasons, the wet and the dry. These were looked upon with suspicion, as barring the usual occupation of easterners, and as precluding the farm products with which all were familiar. To most minds California during the long dry season was but little better than a desert. As all, or nearly all, of her supplies were now coming from abroad, it was not unnatural to conclude that such must continue to be the case. The limited quantity of home products that did find their way to market were raised in remote quarters of the state and tended but slightly to remove the general impression that California was lacking in all resouces except the production of gold. But the yield of gold was already increasing so rapidly that most people were convinced that, if California could not furnish the products that would bring money she could, at least, supply in generous quantities the material out of which the world's money is made, and that her future, therefore, was for a long time assured.

So radically different were the seasons and climate in this New Eldorado from what the swelling crowd from the East were accustomed to, that it required a year or two longer to convince them that California was valuable for anything besides mining.

But the adverse opinion early took root in the fertile mind of the western Americans. It grew apace, and soon developed into actual knowledge that the soil of California was as productive as any in the world, and that it only required to be utilized at the right time, and in a proper manner, to get from it a most bountiful yield of agricultural products.

Many were misled regarding the farming capabilities of the country by the practice of the former government in making enormous individual grants of land; such grants as a rule comprising eleven square leagues, or not far from 50,000 acres each. These grants, of course, could not have been made for tillage, and the ready inference was that the country was fitted only for pasture. Moreover reports were current that years of extreme drouth occurred now and then, when vast numbers of cattle and horses perished for want of food.

People from the old west, accustomed as they were to preemption and homestead claims could not readily reconcile their matured agricultural notions with the idea of single concessions of public land that would divide up into several hundred ordinary farms; but sooner than could have been expected, they demonstrated to the world that the wealth of California lay less in her gold than her grain fields and in other farm products.

Captain Sutter had received from the Mexican government, for his own and for colonizing purposes enormous grants of land in the Sacramento Valley. These were too little respected by the inflowing tide of immigration.

Owing to this, as also to his openhearted generosity, the Captain, who in the meantime had become General Sutter, fell from the possession of a princely estate into absolute indigence, and it was my good fortune to reciprocate in some measure the generous kindness so many of us had experienced at his hands in the "days of old, the days of gold, the days of forty-nine." On the 22d of March, 1870, I introduced in the Senate a bill for the relief of John A. Sutter, which eventually became law.

CHAPTER VIII

1850.

SAN FRANCISCO — OLD ACQUAINTANCE — LAW PRACTICE A FIRE — ANOTHER FIRE—BAD STREETS—SANDHILLS—WATER LOTS — GAMBLING HOUSES — JUDGE ALMOND — POLITICS — NAPA.

BOUND for the Bay, I did not tarry long in Sacramento. I proceeded to San Francisco in a small steamboat plying on that route. I think fifty dollars was not deemed an exorbitant fare at that time, though paid in gold at sixteen dollars an ounce.

I found a few old acquaintances in San Francisco and soon formed new ones. I was persuaded not send my gold to the mint at Philadelphia, as I had intended, but to employ it in speculations of one sort or another. I soon found that the persons with whom I was operating, were much better business men than myself and my only gain in the transactions was experience, of which, however, I stood in pressing need. Either my business education had been greatly neglected, or I was a very inapt scholar, perhaps both. I do not know but my experience, in this instance, was, upon the whole, of equal value to the gold that it cost. What we have to learn from experience always comes high.

Following my first business ventures, I formed a partnership for the practice of the law with James Pratt, a young attorney from Michigan, but a native of Ithaca, New York, not far from where I was born. I had never had much legal practice, though admitted to the bar in my native state the year before leaving home. I was nearly as green in the law as I had been in business, but I entered upon the practice with assurance that the rules of court and of procedure in California differed not widely from those in the Empire State. But the practice in San Francisco proved to be quite new to me, for it related largely to admiralty matters. It did not require a long time to become familiar with that branch of the law, and we were doing well enough when a most disastrous fire came along and burned us out, root and branch. We lost every book and paper, and most of our clientage at the same time, for nearly everybody in town was ruined by the fire. Our office was in the fine Gothic Hall, at the south-east corner of Montgomery and Jackson streets, where Mr. Pratt and myself were accustomed to lodge, wrapped in blankets on the floor, before the fire, that is to say, prior to the conflagration that destroyed almost the entire city.

Our practice had not been confined to admiralty cases alone. One day I was hurriedly called upon in our office to visit a person who was supposed to be *in extremis*, and wished to make his will. I was piloted to a miserable tenement on the city front, and entered the sick chamber by ascending a flight of steep steps, like a ladder, at the rear of the house. Away in the front end of the long apartment up stairs, at one side, on a miserable couch, lay a man in the last stages of cholera. He was quite purple in appearance and could only express his wishes with difficulty. My visit was not prolonged unnecessarily. The man died in a short time after his will was executed and witnessed. The cholera was raging in San Francisco at that time. I do not think accurate statistics of its ravages were ever preserved.

A second fire that occurred two months later served us in precisely the same manner as the first, though we had less to lose. A somewhat curious incident may be mentioned in connection with one of the conflagrations that visited San Francisco that year. Not far from the long lodging houses, on the north side of Jackson street, near Kearny, where I was lying sick with a fever, the alarm of fire was given. I was so very weak as to be practically helpless. Realizing that the fire was about to sweep over the tinderbox of a building where I lay, and that there was no time to lose, I arose at once without assistance, and with apparent strength made my exit. From that time I improved rapidly, having little further need of a doctor. This remedy it may be difficult to account for, but may be worth considering for persons similarly afflicted. Though these conflagrations were exceedingly disastrous to many citizens, I had little reason to complain of this one.

A conspicuous feature of San Francisco in those days, was the extremely bad condition of the streets, some of which were absolutely impassable for man or beast. Such particularly was the case with Montgomery all along near what was then the water front. This miserable condition of the streets, a sort of matter of course affair, was the cause of much merriment. Many jokes, some more serious than otherwise, were perpetrated in and about them. If a person, however well attired, missing his foothold, sank, as he possibly would, to his middle in the soft mire, he might be helped out all right, but such mishaps seldom elicited from the lookers-on the sorrowing sympathy they merited.

It may be worth while to remark that a large part of the area over which the city has since spread, was in the early fifties covered with barren sand downs. The sands for ages and ages had been swept in by the wind from the seabeach and were moulded into many fancifully shaped hills and ravines. Some of these accumulations were, so to to speak, mountain high, and served an excellent purpose, in after years, for filling in the water lots along the city front. Over these submerged properties there was from the beginning much contention and no small amount of litigation. It was not easy to identify real estate lying away out in the bay, under, it might be, the depth of some fathoms of water, and over which perhaps seagoing vessels were riding, but such property was mapped off and sold by the authorites, and for good prices. Those lots were subsequently occupied by the largest of business houses. No one would suspect at this day that they were erected on land reclaimed from the salt sea. But these things justify the foresight of the early inhabitants of that wonderful metropolis.

At first a pier several hundred yards in length, called Long Wharf, was run out as an extension of Commercial Street. It was quite narrow and frail, but afforded the only tolerable promenade in the city, in 1850. Some unsubstantial buildings were early constructed along it, first on the corners of laid off streets, and all upon piles; but these in due time were followed by more substantial structures, now in the heart of the city.

I need not neglect to make mention of the gambling houses. For the peace of mind of those who may have some regard for my memory, I may be permitted to state that I never lost nor won even the small part of a fortune at the gambling table, but I can truthfully say that the opportunity for doing so in San Francisco, during the first half dozen years of the American occupation, was unsurpassed. Every facility and inducement imaginable was afforded to persons interested in the various sports, to become rich, or poor, as Dame Fortune might smile, or frown, in halls surpassed in splendor of adornment, it is thought, only by those at Monte Carlo.

Music, mirrors and maidens were the chief attraction employed to entice the unwary into these halls, unless we mention also a most brilliantly appointed bar, where the timid might augment their courage to participate in the enticing games. The saloons were open wide to the street, with entrance always free and easy. Is it altogether astonishing then, under these circumstances, that some persons of good reputation and even of clerical fame, were tempted by the possible gain that might result from indulgence in a little pastime? Not a few, captivated by such fallacies, were ruined, and among them some people of previous good repute.

San Franciscans in those piping pioneer days, were quite generally free from the duties and the pleasures of domestic life. It is enough to say, that woman's rights did not disturb the course of politics in those times. Women were so few, their demands, political and otherwise, were ceded without question. Several years elasped ere the gentler sex numbered so much as a tithe of the population.

At the time of my sojourn in San Francisco vigilance committees had not yet become fashionable. Perhaps there was less occasion for them than afterwards. In truth the laws, if laws they were, and if not, then the principles of the common, or civil law, as the case might call for, were faithfully administered. It is not likely that a higher regard for abstract justice was ever observed in any country. Over the highest legal tribunal in the city, Judge Almond presided. He had a way of disposing of cases in a most summary manner. It was not his custom to waste time in listening to long winded speeches of attorneys, oftener indulged in to satisfy the client than the court; but in one important case tried before him, after listening with unusual patience to lengthy arguments of the able counsel on either side, the Judge said: "Gentlemen, I don't know just what the law of this case is, but I know what it ought to be," and he decided it according to his views. His decree was not reversed, but it is only fair to say, there was no higher tribunal to which an appeal could be taken. I would not however venture the opinion that it would have been upset could it have been carried to the highest court in the land.

Politics began to claim attention in San Francisco at a pretty early date. The people there, from the South especially, were soliticious for good government, which they always seemed to think could best be secured through their agency. They assumed to be the best judges of the qualifications for office; and they surely were not lacking in that talent, if their political theories were sound, as they believed them to be. It was easy to detect in the most active politicians a strong aversion to any interference with the policy of the National administration, which clearly was to protect, if not to foster, the institution of slavery. This sentiment grew more virulent as time rolled on, and eventually called for resistance, as we all know.

Some of the fires that occurred that year were without doubt the result of chance, but others were just as surely the work of incendiarism. No person, as far as I remember, was detected in setting a fire. It was after one of those fires, and in consequence of it, that I made a trip to Napa Valley to visit an old friend, or as he might prefer I should say, a friend of old, who was located at the foot of Howell Mountain, on a little patch of land which he called a ranch, and was raising potatoes. He grew reasonably rich in this business and afterwards returned to his former home in Philadelphia.

From Napa I drifted on up to Sacramento, where several acquaintances of mine from the East had become located in business. My course lay across the country, through a part of Sacramento Valley I had not before seen. In its natural state the part along near the mountains was charming indeed. It supported, besides the Wolfskills and one or two others white settlers, many deer, antelope and a few elk. Animals *ferae naturae* had a ready retreat from danger in the Coast Range, when not permitted to roam in peace and feed upon the plain. Wild fowls of many sorts, such as geese, ducks, swans, storks and I know not what others, abounded in the sloughs and ravines. It was then a veritable hunter's paradise.

CHAPTER IX

1851

SACRAMENTO AGAIN — THE WHIPPING POST — SQUATTER RIOTS — CAPTAIN DEAL — AMADOR COUNTY — JACKSON TREE — LYNCHING.

WHILE in Sacramento recuperating, some matters of legal business fell into my hands, and before I fully realized the fact I became so enlisted in them that I could not well leave. Accordingly I opened office in Sacramento and remained there in the practice about ten years and until I was driven out by flood, as I had been from San Francisco by the fire. Among my clients were Huntington & Hopkins, the Stanfords, E. H. Miller, James Bailey, and others, with whom I afterwards became associated in the organization of the first Pacific Railroad Company.

A portion of my early practice in Sacramento was in criminal cases, being employed of course for the defence. I never sought cases of that sort, but I was nearly as successful in them as I became some years later in the prosecution of criminals as District Attorney. My distaste for criminal practice was augmented by witnessing once, and only once, the administering of corporal punishment. I am ashamed to say that California,— it was a long time ago—authorized by law the whipping post For some offence, trifling it may have been, a poor man, not young, was given the sentence of a certain number of blows, to be well laid on the bare back. By some chance I saw the punishment inflicted, or so much of it as I could bear to witness. It was to me a most horrible sight. A big, burly policeman, whose name I have never forgotten, was selected as executioner. With some sort of a cat-o-nine-tails he dealt blows that drew blood at every stroke. With short intervals between the blows, to prolong the cruelty, the policeman laid them on apparently with all his might. Such a lacerated back from the shoulderblades down one ought not to imagine; but the poor fellow uttered not a cry or a groan through it all. When let down he was almost too weak to stand. The law had been vindicated, but who will vindicate the law?

My acquaintance and practice in Sacramento grew and with it grew my contentment there. Sacramento had, even yet, some hope of becoming a rival of San Francisco, but her progress was somewhat impeded by land difficulties. The Sutter title extending over a considerable portion of the valley was questioned by not a few, and squatter disputes arose. Some lives were sacrificed in the riots that ensued and much bad blood was engendered. Not having been there when these troubles began, I took less interest in the contentions. Many good citizens were earnestly enlisted on the one side or the other. The fact is, the average American, long accustomed to reasonably small land holdings, could not readily become reconciled to the many league grants of the Spanish rule.

Happening one day to be in the Station house, across the street from my office, I was recognized by two Mexican boys confined there as prisoners. They made known to the officer in charge that they knew me, and desired to speak with me. I learned that they were held as accomplices in a murder that had been committed a fortnight before in Amador County and were in great distress. On my accosting them through the grated prison door, they were so overcome by their feelings as to be unable to talk intelligibly; so I left, intending to call the next day and hear what they had to say for themselves.

Some two years prior to this time, these boys had been at the camp of myself and brother on the Middle Fork of the American, where we were mining, and for a week or more were our welcome guests. They could speak very little English while we could speak even less Spanish; and a mutual desire at once sprang up for an exchange of accomplishments, they to learn English and we Spanish. Accordingly their stay with us was encouraged. They were bright young fellows, and, so far as we knew, and as we certainly believed, were honest. But one day while we, the instructors in English, were out at work on our claim, our Spanish teachers furtively decamped, taking with them numerous little articles, more useful than valuable; such as knives, pistols, spyglass, scales for weighing gold and, what was of more consequence, a share of our slender stock of provisions; but none of our gold, for it was our custom, with commendable caution, to take our purses along with us when out at work. Pursuit of the little rascals would have been in vain in that wild region, so we made the most of our loss by congratulating ourselves with being well rid of what we now knew to be most unworthy friends. We saw no more of the boys, whose names were Cruz and Mariano, until I now met them in the jail at Sacramento.

So far as the officers in charge could see, we met as friends, and I was aware that it was chagrin for their ingratitude that caused their emotion; or at least, that, in connection with their present deplorable predicament.

Early the next morning after my discovery of the boys in jail I was awakened in my office, where I slept, by Captain Samuel Deal, of the police force, who informed me that the boys had been sent for by the authorities of Amador County and that they were already on board of the stage, in charge of the sheriff of that county, to be taken up there for trial. Captain Deal, thinking them friends, as well as acquaintance of mine, assured me that there was the greatest danger of their being lynched on arrival in Jack son. This much he must have learned from the Amador sheriff himself, who, in that case, was clearly proving himself to be *particeps criminis* in a most outrageous violation of the law which he had sworn to uphold.

Before I could possibly get ready to take any legal steps in the case the stage with the boys aboard had pulled out. With some hope of saving the poor lads from a horrible end, good Captain Deal hastily procured for me a saddle horse which I mounted, and set out in hot pursuit. My ride was not altogether unlike that of Paul Revere or John Gilpin. When a few miles out of the city I overhauled the hindmost of the stages. Opposition lines were then running to Jackson. The prisoners were in the forward stage and I, leaving my horse, took passage on the latter.

We reached Jackson, the county seat of Amador, early in the afternoon; the foremost stage having arrived a quarter or half an hour before us. I was not a little surprised to find the town swarming with people, mostly Frenchmen, all armed with pistols and laboring under a great state of excitement. They knew of the expedition of their sheriff to Sacramento, were expecting his arrival with the prisoners, and had come from all the mining camps about to witness an expected tragedy, and if need be, take part in the performance.

Jackson, it is well known, was, in the early days, the center of a French mining population, and it was a Frenchman that had been murdered a week or two before. Soon after it occurred a Mexican had been apprehended for the crime and had been executed in the most approved manner, that is to say, in the manner approved by the people at that mining locality. Cruz and Mariano had been living with the culprit, or had been closely associated with him as a fellow countryman, just before the murder, and upon the knowledge of its perpetration getting abroad, they, pursued by guilt or fear, possibly by both, fled and as we have seen were arrested in Sacramento.

To satisfy the clamor of the Frenchmen, and to carry out the program, the first steps had been taken, before the arrival of the last stage, to organize a Lynch Court. This business was, by common consent, entrusted to the English speaking portion of the multitude, though far in the minority, and the jury selected was mostly if not wholly of the same class. It was evident that the Frenchmen present were not in a state of mind to be trusted for impartial action in the case.

With some little show of deliberation in the business, the court was organized and seated in an old gambling saloon opening widely on the main street of the town. Immediately in front of this place, and not thirty feet away, stood the celebrated hangman's tree of Jackson, upon the limbs of which, it is said, and no doubt truthfully, fifteen executions have taken place in pursuance of mob law. The jurymen were not sworn in, but each readily gave his promise to well and truly try and a true verdict render in the case of the boys, who in the mean time were securely guarded, if not by the county sheriff himself, certainly with his approval, in the rear portion of the hall. The jurors were seated on benches stretching along on either side of a gambling table and all the rest of us remained standing. The room was packed full of an eager crowd of lookers on when the trial proceeded. Lawyers were conspicuous for their absence on this occasion. If there were any then living in Jackson I cannot name them. The witnesses when called were interrogated by the jurors and sometimes by outsiders who were over anxious for a conviction. The witnesses, though not sworn, were as truthful, I doubt not, as witnesses usually are in cases of a criminal nature. This I observed with some satisfaction. Having edged in as close to the table as I could get, I took occasion to suggest, by questions and otherwise, certain conclusions. When the case was about to be submitted or rather, I should say, was drawing to a close, I obtained the attention of the jury for some suggestion on behalf of the defendants. Had the crowd suspected me of being a lawyer I do not think they would have tolerated my interference for a moment, so I kept that out of view as far as possible. Had I claimed to be a miner among them, as in the excitement of the occasion I may have done, it would have been no imposition, for had I not been one? In some capacity or other, I held the attention of the jury for perhaps half an hour. I had the advantage of knowing the youngsters, and, I fear, pretended to know them better than I really did, but you may be sure that I did not disclose all I knew concerning them. But then I was under no oath or obligation to tell the whole truth and it is not to be wondered at if I went to its extreme verge in avoiding falsehood. I had the jury pretty well sized up in my mind, or at least a portion of them, and I was reasonably certain that the lives of the boys hung largely upon my representations. Suffice it to say that the jury retired, and after less than an hour's deliberation brought in a verdict in about these words: "We the jury find that in the case of Cruz there is not sufficient to warrant his immediate execution and we therefore decide to turn him over for trial, to the county authorities." And a like verdict was rendered in the case of Mariano.

But the case was now by no means concluded. The worst was yet to come. Immediately after the verdicts were announced, a deathlike silence reigned for a brief moment, and then a clamor broke out such as has seldom been heard even in a half-civilized multitude. Most of the commotion was produced by our French brethren. They were terribly disappointed by the outcome of the trial and their excitement knew no bounds. If the turmoil at the time of the French Revolution was greater, then history is at fault. In the uproar it was easy to distinguish a demand for the hanging of the boys regardless of the verdict. The sentiment in favor of that, presently grew to be apparently almost unanimous. If the truth must be told, the Frenchmen were egged on by persons of another tongue. "Go it messieurs," and such like exclamations were often heard. And now came the tug of war. The struggle was to prevent the boys from being dragged out under the old tree. If a single one of the officers of Amador County strove to prevent it I am mistaken. The only ones who did so with earnestness were a large young Peruvian and myself. It was quite a common thing for either of us to be rudely pushed aside by the angry crowd with the muzzles of their weapons, but not a shot was fired. In spite of all we could do, against such a vastly superior force, the poor frightened lads were hustled out under the fatal tree with a rope about the neck of one. The other end of the rope was thrown over a limb and many hands were ready to pull upon it, when, all at once, as it seemed, the discovery was made that the two unfortunates were yet fastened together by manacles at the wrists. Means were speedily found in a nearby blacksmith shop to separate them, and poor Cruz was hauled up and was soon dead. While the attention of the crowd was riveted on his struggling form, Mariano, the younger of the two, was spirited away by the Peruvian and myself. One victim seemed to satisfy the mob; at all events, the clamor ceased. The multitude had come to see a person hanged and they were not disappointed.

Mariano was not even claimed by the authorities of Amador County and I brought him with me down to Sacramento, gave him something to eat and to wear, and have never seen him since.

As for my Peruvian friend, I met him casually once again; he was then on his way to his South American home. His name I cannot recall, but his person I can never forget, nor the manner in which he appealed to the angry multitude at Jackson. He was familiar with the French and English as well as his native tongue, but argument is never of much avail where anger reigns. Lynching was not uncommon in California in the early fifties, but this was the only case I ever witnessed.

CHAPTER X

1852

ANDY SLAVE CASE — CALIFORNIA FUGITIVE SLAVE LAW — JUDGE MURRAY'S DECISION — DRED SCOTT CASE — REPUBLICAN PARTY ORGANIZED — CORRESPONDENCE WITH SEWARD — FIRST FLOOD — MARRIED.

At the beginning of the gold excitement in California, quite a number of the people from the South brought their slaves with them to work in the mines. Many at that early day believed, and more were hopeful, that California would side with the South on the great question then already agitating the country. The annexation of Texas; the prosecution of the Mexican war, both presumably in the interest of the South; the passage of the Fugitive Slave Law; the stand taken by the Judiciary as indicated in the Dred Scott case; the remarkable weakness, in point of numbers, of the opposition to slavery in both Houses of Congress; the well known proclivity of the National administration towards slaveholding domination: all tended to strengthen the hope in the South that California would, on reaching the condition of a sovereign state, join their ranks. How many slaveholders were sufficiently impressed with this belief to risk bringing their slaves with them while California was still a territory, may never be known, but the number was large enough to call for the passage of a law by the State legislature, as soon as the State was admitted into the Union, authorizing them to deport their negro slaves so brought. Thus California had a fugitive slave law of her own. It was different and broader than the one enacted by Congress;

that provided for the return only of fugitive slaves, ours authorized the extradition of slaves brought here voluntarily by their masters. In fact, our fugitive slave law was the first step towards the recognition of the Popular Sovereignty doctrine, afterwards so persistently advocated by Stephen A. Douglas. That measure proposed to allow slaves, like any other property, to be taken into a territory of the United States, the question as to whether slavery so begun should continue there, was only to be determined when the people came to vote on the proposition to become a state. If the decision should be against slavery the slaves should be removed to another territory, or to some slave state. California did not wait for a Popular Sovereignty act of Congress. Upon the adoption of her constitution rejecting slavery, she quickly passed a law to deport the slaves that had been brought here. This example of the Golden State was one of the strongest arguments adduced by Douglas and others in support of the Popular Sovereignty movement. While Cailfornia, for local reasons, decided against slavery, it may well be inferred from the above circumstance that the sentiment in favor of slavery here, in those days, was very strong.

The slavery question, thus, in its various phases, being agitated in California at a very early date, I became known, among those with whom I associated, as an opponent of that institution. My opposition may have been of a political as well as of a sentimental nature. I was not a pronounced abolitionist, but was warmly against the further aggressions of the slave power. In my native state of New York, in 1848, I had supported, by my voice and vote, the Freesoil candidate for the Presidency. The Dred Scott decision and the Fugitive Slave Law were exceedingly distasteful to me, a fact which, though not proclaimed from the house top, I took no pains to conceal. There was of course no imaginable merit in this, for men were expected to disclose their sentiments on proper occasions, as all entrusted with the ballot ought ever to be willing to do.

Lawyers on the anti-slavery side of the question were never at any time so numerous in Sacramento as those on the adverse side, and now, as I look back, it is my belief that Judge Crocker and myself were the only pronounced ones of the former class, and I doubt not it was this circumstance that led Mark Hopkins, one of the few citizens who were heart and soul on the side of freedom, to call my attention to the fact that a negro man was improperly deprived of his liberty in the Sacramento jail. Mr. Hopkins had learned the fact through a colored servant of his, and requested me to look into the case. I found in the prison a young negro man, named Andy, who related to me his history. With two fellow slaves he had been brought from Mississippi by his master. The four had worked in the mines together in El Dorado County with great success, when the master, a kindhearted man, concluded to return to his old home. The two other slaves, having families in the east, decided to go with their master, while Andy, a single man, preferred to remain in California. To this the master raised no objection, but generously gave Andy his free paper and left him in possession of camp and mine. Andy being an unusually thrifty negro, accumulated, in three or four months after being left to himself, about four hundred dollars in gold dust, and enough money besides to purchase a team of mules with harness and wagon, intending to use them in teaming, later in the season. Such was the situation when one night Andy was rudely awakened in his cabin by two hard looking men whom he did not know. The name of one he afterwards learned was Skags, who claimed to be some connection of Andy's former owner. Skags with many threats and demonstrations compelled Andy at the point of a pistol to deliver up his purse of gold dust, and his free paper, which was burned before his eyes. Then Andy was ordered to hitch up his team of mules and compelled to drive the men down to Sacramento. Starting in the middle of the night, they arrived there the next day, when Andy was thrown in jail as a slave to be deported; the team was sold by Skags and the money pocketed. Under the advice of a sympathizing lawyer whom I need not name—he is dead now—Skags went before Justice of the Peace B. D. Fry and made affidavit that he was authorized by the former owner of the negro to take him back to Mississippi. He may have complied with the loose requirements of the statute, but the proceeding was had in the absence of Andy or of any one to represent him. Justice Fry, upon the naked word of this stranger, and without the production of any authority by him to act in the premises, issued his warrant to Skags, permitting him to remove Andy to Mississippi. The authority was ample to enable Skags to take his charge anywhere he pleased in the South and sell him, and no one would have been the wiser. The warrant of the justice was, in fact, the certificate that the law had been complied with, and armed with that, Skags felt quite secure and was in no haste to get away.

Believing all that I had heard about the case to be strictly true, I applied to District Judge Lewis Aldrich for a writ of habeas corpus on behalf of the negro. It was made returnable without much delay, but the matter having been rumored through the town, the large court room was well filled when the case came up for hearing, but mostly by friends of the respondent. I required a formal return to be made to the writ, and while that was being prepared, one McCandlass, an ex-member of the California legislature from one of the northern counties, came to my seat within the bar and threatened me with personal violence on account of the case. He was armed and a disturbance in the court was imminent, when an elderly gentleman, a former client of mine, named B. F. Mauldin, a native of Baltimore, intervened on my behalf.

By order of the court quiet was restored. After a hearing, in which I took occasion to disclose to the court, and of course to all present, the outrageous facts of the case, Judge Aldrich remanded the prisoner, holding that the certificate of Justice Fry was sufficient in form and substance, and that he would not, as the lawyers say, look behind it.

I followed the case to San Francisco, where Skags with his prisoner had necessarily to go to take the steamer, via Panama, to the East. A second writ of habeas corpus was sued out and this time from the Supreme Court of the State. Judge Harvey S. Brown and myself represented the negro. The matter was heard before a full bench, Chief Justice Murray presiding, with Heydenfeldt and Wells as associates. Andy, to our great disappointment was again remanded to the custody of Skags to be taken out of the state; Murray rendering the opinion of the court, concurred in by Heydenfeldt, but dissented from by Wells.

In his decision in this case, Judge Murray enunciated precisely the same docrtine, relating to the status of the African, that was afterwards embodied in the opinion of Chief Justice Taney in the celebrated Dred Scott decision.

It is to be seen from this and other startling events of the time, how prone oppression is, when it obtains the upper hand, to extend its power to the annihilation of all opposition, unless perchance it meets with annihilation itself.

The Andy slave case indentified me more closely than ever, and closer than I expected, with the opposition to slavery. The adoption of a free constitution did not, by any means, abate the aggressiveness of the pro-slavery sentiment in California. In the South it was constantly growing more virulent, incited, it may have been, by disappointment engendered by the action of California, and by a lively hope of extending slavery to the new territories of Kansas and Nebraska in the Northwest. A strong party was found in nearly one every of the non-slaveholding states, pronounced in its zeal for the ultimate triumph of the institution, and California was not behind any of them. A vast majority of her people, at its inception, fell in with the delusive doctrine of Popular Sovereignty, a scheme fascinating in name, but devised entirely in the interest of slavery. It finds a good illustration in the fable of the wolf that begged to be permitted to put one foot in the sheepfold, then another, and finally his whole body, to the destruction of the flock. In fact the adherents of the slave party in California became quite intolerant of opposition, going on occasion to the length of interrupting by violence the meetings of those disagreeing with them. But human nature, like all animal existence, possesses an element of resistence, and that element in California, the better to effect its end, though ridiculously weak in numbers, organized itself into a party. In Sacramento there was not a dozen of us all told, but we entered into a written pledge to oppose the aggressions of slavery, and in the belief that right makes might we were far from discouraged. We grew into a majority many years sooner than was expected.

From quite an early period in California, I was in correspondence with Governor Seward, who was at the time a member of the United States Senate. He always took great interest in this coast and seemed anxious to learn as much as possible about it, particularly so far as related to public matters. His printed speeches made in the Senate, were sent to me in packages of twenty-five, all franked, but not addressed. These, properly directed by me, were sent by mail to persons throughout the state, a list being kept of those to whom they were addressed. Persons receiving them, I doubt not, believed they came directly from the Governor.

After the death of Mr. Seward, not many years ago, learning that his son Frederick was writing the life of his father, I sent the Governor's letters in a sealed package. They were received by him, as acknowledged in the following letter:

AUBURN, JUNE 24, 1873

My dear Mr. Cole,

The package of letters which you sent me has been duly received. I am having them copied in whole or in part, after which I will return the originals. With many thanks,

Yours very sincerely
F. W. SEWARD.

I have never heard anything of the letters since. They were of no use to me then, they might be so at this time. I thought they might be of interest to the Governor's biographer, and for that reason sent them. I have not seen the work of Frederick coming down later than 1846. For aught I know he may have made use of the letters. There were quite a number of them, and I am sure they contained much of public interest, considering the times in which they were written.

Late in the Fall of 1852, Sacramento was visited by a fire that literally swept the city from the face of the earth. A few miserable tenements in the suburbs were all that remained. It broke out at midnight of the day of a general election, and the defeated party thought it not an unfit conclusion of that day's work.

Before the rebuilding of the city had progressed to any great extent, a heavy rain set in, and in spite of the levee, the town was completely inundated. When the waters had in a measure subsided, Sacramento became the most uninviting place for residences, on account of the mud, that can imagined. The ashes of the late conflagration, mingled with the soft earth, prevailed everywhere, rendering getting about fairly intolerable.

These calamities were peculiarly untimely for me. A little before the occurrence, I had become engaged to and had made arrangements for a visit to California of Miss Olive Colegrove, a young lady of Trumansburg, Tompkins County, New York, with a view to our marriage. She had a sister and brother-in-law living here, was accompanied from the East by her brother and was greeted on her arrival in San Francisco by me. We were married in that place on the 6th of January, 1853, in the presence of a few friends, including a number of the leading lawyers of that city.

As my wife is still living, I need only add that her character and career are too well and favorably known to call for words of laudation from me.

Her introduction to Sacramento must have left a lasting impression. These was no vehicle of any kind in the place, and before going ashore from the steamer it was necessary to procure for her a pair of india-rubber boots in which to wade through the deep mud to the boarding house.

CHAPTER XI

1853

VISIT TO SANTA CRUZ — A GRIZZLY — MOUNTAIN CHARLEY BIG TREES — MRS. FARNHAM AND GEORGIA BRUCE — BRANCIFORTE — MONTEREY — THE ORDS.

In the summer of 1853, my young wife and myself paid a visit to some friends in Santa Cruz, which may not be altogether devoid of incident. Arriving at San Francisco by boat, the distance thence to San Jose was accomplished by stagecoach. This was long in advance of railroads on this coast. There was scarcely a settlement between the two places. We arrived at San Jose in the middle of the afternoon and not appreciating the distance nor the difficulties, we resolved, against earnest advice, to proceed on our journey at once and, if possible, reach our destination that night. The route lay over the not very formidable Santa Cruz range, and the trip could only be made on horseback. But horseback riding was not new to either of us.

Procuring the best animals available for the occasion, and with a mounted guide to bring back the horses the next day, we skimmed over the eight or ten miles of intervening valley, to reach the mountain, in an incredibly short time. But the sun had already disappeared, and we were in the shadow of the mountain before arriving at its base. But this did not deter us from prosecuting a trip so hopefully begun. As there was no sign of a settlement anywhere near, the only alternative was, either to plunge into the dark mountain forest before us or return to San Jose, and the latter was not to be thought of by persons of our temperament. From now on the way was a single tortuous bridlepath up the gradual mountain slope, through a dense growth of large overhanging trees. The moon was shining, but its light was almost entirely cut off by the foliage, so that we were compelled to feel our way, so to speak, or trust to the instinct of our horses for the right road.

After groping our way up the trail for an hour or more, our progress was suddenly interrupted. The horses stubbornly refused to proceed further and, on the contrary, evinced a strong determination to turn back on their path. We soon learned that a large grizzly bear had camped directly on our line of march. There was no possibility of circumventing him by a flank movement, nor in any other way. The grizzly is known to be a fearfully formidable and exceedingly dangerous adversary, especially when encountered in his own haunts, as in this case, and our dilemma seemed inextricable. Without hesitation the three of us withdrew far enough to hold a council of war. The horses were put in charge of the by no means timid reserve, while the main body, the guide and myself, with lighted torches hastily prepared, advanced with due caution upon the enemy's position. The only thing in all the world that will intimidate a fullgrown grizzly is a blazing fire. Our good generalship prevailed. The enemy in a hesitating mood slowly retreated before us, going further up the trail, but finally moved off to one side, so that Mrs. Cole, in the light of our torches, was able to bring up the horses, when we mounted and without further delay proceeded up the grade, but not without some apprehension that our lurking foe might detect the ruse and give pursuit.

The remainder of the jaunt that night, seemed almost interminable. It may have been near midnight when finally we arrived at the cabin-home of Mountain Charley at the summit. To go further then was out of the question and we remained there till morning. Charley had been living at this highest point on the Santa Cruz trail for years, leading almost a hermit's life. His domestic animals, for he tried to keep a few, had repeatedly been attacked and destroyed by the grizzly bears, which in early times infested this range of mountains to a frightful extent. Owing to their depredations Charley determined to make war upon the monsters, and it became with him a regular occupation to hunt and destroy them. He was for a long time successful, until at last he met with the misfortune of falling under the awful power of a large one, and was frightfully mutilated. After much suffering and the loss of one eye, and by trepanning his skull, he so far recovered as to get around again, but not to further pursue his enemy. He was so disfigured by his injuries as to be hardly recognizable by his many friends. This occurred some years after our visit at his home, but so frightful were his mutilations that could we have seen them before our adventure, I doubt not, we would have been much more cautious in driving the bear from our path.

The grizzly is a larger, and a far more ferocious brute than either the Bengal tiger or the African lion.

Descending into the cozy valley of Santa Cruz, we passed through the grove of mammoth trees near that place, then thought to be the largest in the world, and are really only surpassed in size by those of Calaveras and Mariposa, which were not known to the world till some years later. These trees, thousands of years old, were deemed a great curiosity, as in truth they are, and it is hoped will remain so for a thousand years longer.

Living in Santa Cruz at that time were two remarkable women, Mrs. Eliza Farnham and Miss Georgia Bruce, afterwards Mrs. Kirby. They were called strong minded and both well merited that appellation. They were independent thinkers and entertained advance opinions on many matters of public concern. Afterwards they enjoyed the friendship and confidence of philospher Horace Greeley. They had located in Santa Cruz as the most romantic, and by nature the most delightful spot on earth. Their kindness of heart was conspicuous in the care bestowed by them upon Mountain Charley after his unfortunate encounter with the bear.

Santa Cruz in 1853, was more of a scattered settlement than a concentrated village. The old and first site of the town, named Branciforte, after a Spanish marquis, located on the south side of the river, was not then marked by a single buidling of any sort. The present settlement of Santa Cruz contained only one store, one hotel, one church—the old Mexican Cathedral—one shop for each pursuit, one doctor, one lawyer, and was derisively called a one-horse town. Except on the ocean side it was hemmed in by mountains and quite isolated from the rest of the world. The only outlet for it, except by the mountain path leading over to the Santa Clara valley, by which we had come, lay, skirting the ocean, around to Monterey, a distance of perhaps twenty-five miles. Monterey, the ancient capital of all this Mexican province of California, was a place of more pretension, though it had not, as late as 1853, begun to throw off its old Moorish appearance. Even then it was, to a greater extent than Santa Cruz, the resort and home of persons seeking retirement and the pleasures of a quiet life.

It was here I met the older member of the Ord family, a name well known in California from an early date. He was the father of the General, the Judge, the Doctor and other Ords. The old gentleman was a little below the average size of Americans. His prim and youthful appearance, for a person of his years, was quite noticeable. Possessing a genial, and at the same time, earnest expression of countenance, he was remarkably polite and agreeable in manners. He was the son of George IV, of England, his mother being Mrs. Fitzherbert, who had been united in proper wedlock with the king, while Prince of Wales, as has been recently shown beyond peradventure by the disclosure of documents long concealed in the Bank of England. His title to the throne of Great Britain was at least as good as that of many a one that has gained the British crown. This was not a subject of conversation when I saw the elder Ord. In feeling he was an American and as much interested in the affairs of this country as any other citizen. I think his sons imbibed their patriotic sentiments largely from their father. Several of them, and especially the General, E. O. C. Ord, rendered valuable service to this country during the Rebellion, attaining much distinction in the army.

CHAPTER XII

1854

FOR CITY ATTORNEY — POLITICAL PARTIES — THE KNOWNOTHINGS — THE OLD REPUBLICANS — THE DEMOCRATS — NEW REPUBLICANS — THE WHIGS — FEDERALS ABOLITIONISTS — GERRIT SMITH — PARTY PAPERS.

IN Sacramento in 1854, I was the regular Democratic nominee for City Attorney. It was a Knownothing year and the whole Democratic ticket was defeated. The Knownothing party was then quite a new organization. It called itself the American party, but was given the name Knownothing from the reticence of its members touching its purposes, a pledge to secrecy being exacted. Its shibboleth was opposition to the influence of foreign born people in the political affairs of America. In the large cities the foreign element in political affairs often predominated, thus exciting no little prejudice in the minds of the native born population. Hence the organization of the American party; first in the cities, and eventually throughout the country. It was strictly a secret order and lodges were established everywhere. State and national conventions were held and nominations for all, even the highest offices in the land, were the result.

The American party was regarded as the lineal successor of the Whig, which had been greatly weakened by its antagonisms with General Jackson. It was deemed quite a remarkable circumstance that the great leaders of the Whigs, the one, Daniel Webster from the East, and Henry Clay from the West, though ardent rivals in their aspirations for the Presidency, joined hands and were in hearty accord in the great battle with Jackson over the National Banks. But their united strength was ineffectual, they were defeated, and undoubtedly the discomfiture of two such renowned orators greatly impaired the strength of the Whig party. Its existence hung in the balance for a time, when the advent of this Native American organization dealt it another stunning blow, and a little later all that remained of it was effectually annihilated by the organization of the Republican party. Its demise was not mourned.

At the time of my nomination for City Attorney, the Republican party had no organized existence in California. In the East some attempt at a concentration of forces had occurred, but on the Pacific Coast, the elements of the party had not yet assumed a definite form. I think the greater number of the voters in the Whig party of California, with Republican proclivities, went with the American party, but I, being a Democrat by education, remained with that party, and was reluctantly placed on its ticket. My nomination, it was deemed, would be of some avail in keeping voters agreeing with me on the slavery question from joining the Knownothing ranks; but my nomination was distasteful to the pro-slavery element among the Democrats and they supported, for the same office, an independent candidate, and one more to their liking in political opinions.

Though not in actual existence at this time, the Republican party clearly was in process of incubation. Its advent had been retarded by the unexpected appearance of the American as a national organization and by the persistent efforts of that party to subordinate the slavery issue to the question of foreign influence.

Many liberty loving people believed that the organization of the Knownothings, as the opponent of the pro-slavery Democracy, obviated the necessity for a party based upon the slavery issue alone. It was argued that the antagonism between the two great parties must necessarily fix the status of the Knownothings, and that the Democrats, being strongly for slavery, their opponents would naturally be against it. But it soon developed that the leaders of the Knownothings, so far from opposing slavery, were open apologists for it, and that their influence was not exerted more to prevent the interference of naturalized citizen with politics, than to shield slavery.

Their secret lodges in the Southern States were well attended by slaveholders, and a rivalry presently sprang up between the Knownothings and the Democrats, as to which should be deemed the more subservient to the slave power. It need hardly be added that this created much dissatisfaction among those, mostly in the North, who had gone into the new party with a different expectation, and now the door was wide open for the organization of the Republican party, which speedily followed.

The Free-soil element in the Knownothing ranks generally came over to the new Republican organization. In some states the Republicans were recruited largely from the Democrats, but not in California. Here the disaffected of that party effected a separate organization under the appellation of Union Democrats.

Pledged as the Republicans were, from the outset, to the inborn principle of freedom for the human race, and to uncompromising hostility to the extension of slavery over free territories, the party, at its appearance upon the scene, was not altogether unfledged. The adoption of the name was not unnatural. The party of Jefferson and his associates, most of whom had been unreserved in their condemnation of slavery, was called Republican. Even down to the time of Andrew Jackson the name was cherished by many who believed in the doctrines of Thomas Jefferson, as enunciated in the Declaration of Independence and other writings of that great man. But as the name Republican then was supposed by the slaveholders to imply some restraint upon their personal privileges, by putting them under the control of the majority, in reference to their political rights, the word democrat, as a party cognomen, came gradually into use, and eventtually entirely superseded the name Republican. With the change of name the principles of the party changed, and the Democrats became and continued to be the persistent defenders of slavery. The party remained without potential opposition on that question until the advent of the Republican organization in 1856. At the beginning the American party sought to occupy a neutral position on the slavery question but presently launched out, like the Democratic party, as the avowed champion of slavery. On the abstract questionof the right to hold innocent men, women and children in perpetual bondage, individuals in all parties, have of course, in their hearts disapproved of it, but the only party powerful enough in point of numbers to unreservedly deprecate it, was the party of Lincoln.

Founded as it was upon prejudice, and not upon principle, the American party was shortlived. It was charged with being, in its secret councils, inimical to the Catholic Church, but this was probably an inference from the circumstance that a large majority of the immigrants to this country were worshippers of that faith. Ostensibly the object was to counteract the influence of foreigners in our politics; an influence which only in rare instances had been conspicuously greater than it should have been, and in no instance were the naturalized citizens disloyal to the Republic. The only charge against them was officiousness, a quality so lamentably lacking in many Americans as to amount to a neglect of duty. To the credit of the naturalized, be it said they have always been faithful to the principles of this government; the only complaint against them being a superabundance of zeal.

The organization of the Whig party, at an early stage of the Republic, followed closely in the wake of the old Federal party, which forfeited its popularity by the support to the Alien and Sedition Laws of John Adams, and went down to an unhonored grave under the weight of those enactments, supplemented by opposition to the war of 1812. The old Jeffersonian Republican party remained in the ascendant for many years after the exit of the Federal party from the public stage.

In the early days of the Republic, party zeal ran higher than it has since. Political contests were much more virulent. Parties were held to stricter accountability. No deviation from the performance of official duty was overlooked. Matters of that kind, however trifling, were handled with great effect on the stump or in the party press.

The papers of those days, all weeklies, were often exceedingly bitter in their warfare. Each party in a Presidential contest was expected to publish a campaign paper, devoted entirely to politics and to contain all the literature on the one side. A publication of that description by the Whigs in 1840, was called "The Log Cabin," and the organ on the Democratic side, "The Roughhewer." Quite a number of the articles in the latter were from my pen, but would not be read now with any pride or satisfaction whatever.

In the mediaeval period of our political history there was one other party, now entirely obsolete, the pretensions of which were in its time much discussed, but its principles rarely. From the very great attention bestowed upon it by the other parties, and the fear it excited, it must be conceded to have been not without an unusual degree of merit, or demerit. Its sole aim was the annihilation of slavery. The Abolition party sometimes appeared as a luminary of no little brilliancy in the political firmament, but it never grew potential enough to wield even a balance of power. Its standing candidate for the Presidency was an ex-slaveholder, James G. Birney, a man of more assurance than ability, but of great integrity. Boston was the headquarters of the Abolitionists. Their chief strength lay in New England, but they had a powerful supporter in Gerrit Smith, a wealthy resident of Central New York. I have an impression that John Brown sprang from the same neighborhood with Smith. Owing to his talents as an orator and his sterling qualities as citizen, Gerrit Smith exercised considerable influence at times in New York State politics. Notwithstanding the extreme odium of his political creed, he was highly respected by everybody who knew him.

Though few in numbers, the Abolitionists were widely scattered throughout the Union; even in the Southern states once in a while, but rarely, one could be found, as Cassius M. Clay, of Kentucky. In the North and South alike they were stigmatized as public enemies, and often treated as such. The attempt to dispose of them by mob law was not a very unusual occurrence. Cassius M. Clay on several occasions was compelled to defend his principles at the risk of his life; and even in Boston popular violence was more than once excited against the Abolitionists.

CHAPTER XIII

1855

DISCUSSION OF SLAVERY — REPUBLICAN PARTY — REPRESSION POLICY — HAND BILL — TO ARMS — LETTER.

MEN of future generations will hardly believe how extremely sensitive the people of the South were upon the subject of slavery during the decade from 1850 to 1860. Even moderate disapproval of that institution was liable to bring down upon the head of the offender the most unrestrained malediction. Anything like open opposition, as by the abolitionists, was deemed little short of high-treason, meriting capital punishment; which was not very infrequently administered at popular uprisings. It was claimed, and by many believed, that words uttered in favor of freedom for the negro, had a direct tendency to incite bloody insurrections among the slaves, endangering the lives of the white population. This same spirit spread to a remarkable extent throughout the North, and free speech on the slavery question was absolutely interdicted by popular sentiment in very many localities of the free states. It did not clearly appear how such discussion, hundreds of miles beyond the hearing of the slaves, could incite them to murder the women and children on the plantation, nevertheless, that dire result, it was freely alleged, would follow such discussion. So intolerant did this repression of speech become that Senator Sumner, on account of some moderate criticism of slavery in a speech in the United States Senate, was brutally stricken down on the floor of that body by a member of Congress from a Southern State. And Governor Seward, for indulging in the philosophic reflection in a Senatorial debate, that an "irrepressible conflict" existed between freedom and slavery, was grossly insulted by a fellow Senator.

This repressive policy, touching slavery discussion, was as active in California as in any free state, but here, as in most of the states of the North, it met with some resistance. The great political organizations of the day, the Democratic, the Whig, and the American while it lasted, were strongly committed to this policy of silence. Agitation of slavery, as the discussion was termed, was denounced as treasonable in the platforms, and there was no alternative for those who were unwilling to acquiesce in the repression policy but to effect an independent organization, and so the Republican party came into existence. At first the Republicans, not yet formidable in numbers, received from their opponents the designation of Black Republicans, a name persistently applied to them while they remained in the minority.

From an early stage in the new party's existence in California, it was so fortunate as to have in its ranks two of the most powerful orators this country has ever produced, Frederick P. Tracy and Edw. D. Baker. Neither of these men ever failed to command a large and appreciative audience. Mr. Tracy was gifted with a strictly classic style of oratory. He was truly Demosthenic in his command of logical argument; while Colonel Baker, more genial, fairly rivaled Cicero himself in persuasive eloquence. These two did more than any others towards giving a character and strength to the party. They were the Paul and Barnabas of the Republicans.

In Sacramento, where I resided, the party, at its inception, was extremely limited in numbers. No record, I venture to say, can be found of a political organization starting out with fewer adherents. There were C. P. Huntington, Mark Hopkins, Leland Stanford, Edwin B. and Charles Crocker, all personal as well as political friends of mine. There were not, for some time, besides these, as many as could be counted on one's fingers.

Our meetings, held in some private office, were earnest, if not enthusiastic.

While our party, in Sacramento, was slow of growth, there were no deserters. Those who came with us enlisted for the war, so to speak.

The Republican organization, where it existed at all in other portions of the state, was likewise extremely limited in numbers. So few, indeed, were we in the state, that in a convention for nominating candidates for State officers, it was deemed advisable to put Leland Stanford and myself on the ticket, him for State Treasurer and me for Clerk of the Supreme Court. For these offices we reluctantly consented to be candidates, but neither was disturbed by fear of an election. It is certain that niether of us then was thinking about the United States Senate, to which high position the Governor eventually became my successor.

The slavery propagandists were entirely successful in suppressing open opposition to their views in all the Southern States, and a like determination of their coworkers in California was slow to die out.

Encouraged by what was transpiring in other parts of our common country, and especially at the national capital, not a few hotheads in California endeavored, but in vain, to stem the tide. They sought by force and intimidation to suppress discussion. Violence was occasionally resorted to and intimidation often. As late as May 13, 1856, this handbill, printed in large conspicuous type, was posted about the city of Sacramento:

TO ARMS!

"To All True and Patriotic Americans!

"Whereas Sundry Persons in this Community have commenced the agitation of subjects which are treasonable, and which have a tendency to excite and disturb good citizens, and destroy that amity which exists among us as brethren, and to weaken our love for the glorious CONSTITUTION and laws of the land: And whereas, said agitators are TRAITORS.

"Now, therefore, all good Citizens are called on to attend a PUBLIC MASS MEETING, to be held at the Orleans Hotel on Saturday, to devise means to protect the public welfare, by appointing a Committee to HANG ALL THE LEADERS, and as many of the Attaches of said TRAITORS as may be deemed necessary to restore the public quiet and put a stop to such treasonable practices.

"All good citizens are requested to attend."

It is presumed the meeting was held in pursuance of the call, and possibly a committee was appointed to hang the agitators, but it is needless to say that no executions followed, nor did the agitation of the slavery question cease.

If I am to observe my promise not to incumber this narrative with too many merely personal reminiscences, I must pass over most of the annals of 1854 and 1855, as my recollections of those years comprise little beyond occurrences of a personal nature, springing mainly out of political differences. I could not, on any account, entirely abandon my predilection for defending human freedom, and my adversaries were equally disinclined to observe silence on so vital a question as the extension of slavery had become. Disagreements arose on divers occasions, and were sometimes attended with menace, and threats of violence. No personal injury, however, worth mentioning, occurred, but on one occasion, after leaving the courtroom, where we had been engaged in the trial of a cause, loud threats and demonstration with pistol in hand, were indulged in by the opposing attorney. But it was the bluster of a native of Illinois who could find no better way to demonstrate to his fellow partizans his fidelity to the cause of the South.

Mr. Justice Field, in his time, was so unfortunate as to have some personal encounters too. The Judge seemed always concerned lest people should be unaware of his personal prowess. That he was sufficiently endowed with that much lauded characteristic may be believed, but it needed less reminder than the distinguished judge was disposed to give it. Had he said less, more perhaps would have given him credit for personal bravery. I, like the judge, ambitious to be considered courageous, will profit by his error, and say no more upon the subject.

I was the first member of the National Republican Committee for California, and my memory concerning early political events is aided by the following letter addressed to Governor Seward early in the year 1856.

"This day I have written to Hon. E. D. Morgan at New York, in reply to a letter informing me of the use of my name as a member of the National Committee in a call for a convention to meet at Philadelphia on the 17th of June. Permit me to assure you that I have been for some time past in the habit of devoting what time I could spare from my business to the cause of Republicanism in this State. I am a member of the State Executive Committee, and also of our County and City Committees, and most fully realize the necessity for all good citizens opposing the fearful aggressions of the slave power, and particularly its unheard of domination in this State.

"We have held our state convention and appointed delegates to the National Convention. California will be fully represented there. We have but lately attempted an organization in this State; but the movement has found encouragement quite beyond expectation. We have all the elements here of a powerful opposition to slavery aggression. The only difficulty is in combining and concentrating them, and this we hope to do under the Republican flag. The tendency of some of our leading spirits is to go rather beyond what prudence and policy dictate. They are not content with the one great living issue of slavery aggression. They do not reflect that it is time enough to carry the war into Africa when we have checked the march of Hannibal on Rome, but I think better counsels will prevail, and in time make our organization effective for every good purpose. Our party is growing, and our sentiments spreading with unprecented rapidity. We have taken great pains to circulate the Pittsburg Address and are operating upon the sober thinking part of our population.

"The propagandists have long been preaching that we on the Pacific, have nothing to do with Atlantic politics, and should keep entirely silent upon the slavery question. In fact silence upon that subject has been enjoined by the other parties in every political speech, and daily, in all their newspapers for the last three years; but the people now see their object and that illusion is becoming rapidly dispelled."

CHAPTER XIV

1856

FREMONT — THE MINES — MC CLATCHY — THOS. HILL — PACIFIC R.R. — VIGILANCE COMMITTEE — JUDGE TERRY — GENERAL SHERMAN — W. T. COLEMAN.

UPON the nomination of General Fremont for the Presidency in the summer of 1856, it devolved upon me, with the assistance in a business way of a few ardent political friends, to publish the Daily and Weekly Sacramento Times, and upon me the duty of editing the same. Its publication might have continued to this day had Fremont been elected, but as the result was, it lasted only a few months beyond the end of the campaign. The Times being the Republican Party organ, it was a good deal of a task to provide daily editorial articles. Associated with me as local editor was James McClatchy, who afterwards founded the Sacramento Daily Bee, now ably conducted by his sons. I have not seen a number of the Times for many years, but a bound copy of the whole issue is now in the California University Library, the only copy so far as I know in existence.

The Times had the reputation of being as radical as required by the events of the period. I cannot believe it was ever unjust, but it was duly outspoken on the slavery and other public questions.

Meeting Chief-Justice Hugh Murray of the State Supreme Court in a bookstore one day, he, with much complacency, remarked that he had noticed what I said about him in the Times that morning, alluding perhaps to some remark about the Andy slave case; continuing, he said: "Lay on, the skin on my back is as thick as that on the back of a rhinoceros." But the Judge could hardly have been so callous as he pretended, for about that time he called at the store of Thomas Hill, a reputable merchant of Sacramento, and a Republican of the most pronounced type, who had said something politically offensive about the Judge, which had come to his ears. The Judge, armed with a heavy bludgeon, assaulted Hill in his store, without warning, in a most cruel manner, knocking him down and disabling him for a long time. Hill was by no means a strong man, and it was thought his life was saved by the circumstance of the bludgeon coming in contact with an overhead beam in dealing the blow. This incident is mentioned as showing that the virulence of political animosity in those days, extended even to the highest judicial officer of the State.

In the Presidential campaign of 1856, the Pacific Railroad was made a prominent issue by the Republican party. The other parties, if they did not ignore that great enterprise entirely, were, to say the least, extremely lukewarm on the subject. The Republican party platform, on the contrary, was outspoken in its favor. Fremont, the Pathfinder, was supposed to be eminently fitted for the promotion of that work. The railroad was not encouraged by the Southern politicians, because the extension of slavery as they could see, would be retarded thereby. For that reason it was kept subordinate, as an issue, by the slave power. There was much popular clamor throughout the country for such a road, but the utmost that had been accomplished by the old parties for it, was to print, by congressional authority, thirteen large and costly quarto volumes, adorned with colored plates, of the Pacific Railroad Surveys, calculated better to impress the people with the extreme, if not insuperable, difficulites of the undertaking, than to promote the enterprise. No law upon the subject was permitted to pass Congress until Mr. Lincoln became President.

At the national convention that nominated Fremont, to which I had been elected a delegate, though not in attendance, I was again named as the California member of the Republican National Committee, which post I continued to occupy for the next eight years.

The occasion for lynch law passed away with the year 1856. The laws of the state, from that time forward, became more effective for the suppression of crime, and the administration of the laws more certain. Excuse was not now so easily found for overhasty, or extra-judicial action, against lawbreakers, even in remote parts of the state. It is more than likely the action of the Vigilance Committee in San Francisco contributed largely towards bringing about this result; if so, it affords an example of good flowing from evil.

It was in the summer of 1856, while I was a resident of Sacramento, that the Vigilance Committee became so conspicuous. That year the organization, which had existed for some time, became much larger than ever before, and more defiant of the lawful authorties of the city and the State. Though confined in its operations to San Francisco, except so far as related to the pursuit of its victims, it doubtless had the moral support of a majority of the people of the whole State. The elected officers of the Bay City were utterly unable to cope with the Vigilantes as they were called. The law-and-order party of the city, made up almost exclusively of the officials and the lawyers, being greatly in the minority, frantically appealed to the Governor, J. Neely Johnson, for assistance. He was asked to intervene with military force, disperse the Committee and punish the leaders as violaters of the law. The Governor with commendable regard for the dignity of his office was much inclined, at first, to call out a military force for the occasion, and summoned General William T. Sherman, then a resident of California, to take the command. Sherman was not a general then, but was well known as an accomplished army officer. He was at this time in charge of the California branch of the great banking house of Lucas, Turner & Co. He promptly responded to the call of Governor Johnson and held several interviews with him at Benicia, then the capital of the State.

Sherman was willing to take command of the State forces for the occasion, but the Governor, influenced by apparently strong public sentiment, proved to be uncertain and vacillating about the business. The result was that Sherman bade the governor a rather hasty good-day and returned to San Francisco. All this, and much more on the subject, I had from the General's own lips many years after the events.

The most remarkable action of the Committee was the arrest and imprisonment of David S. Terry, Chief Justice of the State. The Judge was retained in close custody pending the fate of the marshal of the Committee, who had been severely wounded in the neck with a knife in the hand of the Judge. Had the man died of the injury there is great certainty the Judge would have been executed by the Committee.

Before it became possible for legal proceedings to be taken against the members of the Committee, they had finished the work they had set about and dispersed, but did not dissolve their organization. It was kept alive more for mutual protection and self preservation than for subsequent work of the kind they had been engaged in.

Before the formation of the Vigilance Committee it had come to pass that many crimes and misdemeanors went unpunished. This was generally attributed to gross dereliction on the part of the regularly constituted authorities.

In extenuation of the action of the Committee, it was alleged that the public officials procured their own election by means of ballot-box stuffing, effected by persons who claimed, as reward for such services, immunity from punishment for crimes that might be charged against them. If this was true, there would seem to have been no way for San Francisco out of the dilemma, except by adopting the revolutionary method of organizing a vigilance committee. The people at large of the State of California must have taken this view of the case, for not many years afterwards, in the legislature, Wm. T. Coleman, the leader of the Vigilance Committee, received all the votes for United States Senator except those cast for me.

CHAPTER XV

1858

ELECTED DISTRICT ATTORNEY — CRIMINAL CASES — SACRAMENTO LAWYERS — LOSS OF THE CENTRAL AMERICA — EDWARD STANLEY

In 1858 I was nominated by my party for District Attorney of Sacramento County, which included the city, and was elected. Several unforeseen circumstances contributed to my success. My opponent was a young Southerner with less experience in the practice. The free state element in the old parties had by this time become restive under the arrogant repressive policy of the South. Their required endorsement of all the aggressions of the slave power, including the abandonment of the Missouri Compromise of 1820, so far as related to the exclusion of slaves from the northwestern territories, had become exceedingly distasteful to not a few of them. Many who were unwilling to be called Black Republicans had at last gained the courage to cast a secret ballot for one of the blackest of them.

What was a great surprise to me, I received, as I learned after the election was over, the votes of a goodly number of the most pronounced pro-slavery men of the city. These, disgusted somewhat by the growing infidelity to slavery within their own party ranks, declared that they at least knew where I stood, and so voted for me.

My administration of the office, continuing for about two and a half years, proved quite satisfactory to the public, and this, I have been told, contributed not a little towards my nomination for congress two or three years later. My success in the office, I doubt not, was owing in no small degree to my wide acquaintance in the country and to my knowledge of the qualifications of jurors called to sit in criminal trials. Prior to my term of office, certain attorneys, two in particular, N. Green Curtis and Humphrey Griffeth, one or both, were quite sure to be retained for the defence in every important criminal trial and as uniformly succeeded in acquitting their clients. Their success, it appeared, lay in the selection of jurors, and I, knowing perhaps as much about the jurors as they, was able to interfere seriously with their plans.

That period in California's history was noted for the number of highhanded crimes, and it was my misfortune to be required, in the discharge of duty, to conduct the prosecution to conviction of a number of capital cases, but I could never summon courage to witness the final result of such convictions.

At the bar of Sacramento in those pioneer days were not a few able lawyers, a number of whom eventually attained distinction throughout the State and some beyond.

John H. McKune, a most sensitive as well as sensible gentleman and able lawyer, occupied the District Court Bench while I was District Attorney, and presided at the trial of most of the criminal cases prosecuted by me. He was eminently just and faithful to duty, but I believe it often gave him more pain to pronounce judgment against a convicted criminal than it did the criminal to receive it. His hardest task was to pass sentence in a capital case, but I feel quite certain that that duty never devolved upon him, in my time, when the punishment was undeserved.

Milton S. Latham, a capable lawyer, was my predecessor, by a number of years, in the office of District Attorney. He was early elected to Congress and afterwards made Governor of the State. Soon after his election as Governor, he was, in pursuance of a program previously arranged by the party leaders, made Senator to succeed David C. Broderick, who had been killed in a duel with Chief Justice Terry. He served out the balance of Broderick's term which ended on the third of March 1863. Latham was born in Ohio, but came to California from Alabama, where he had been a schoolteacher. He was always a democrat and, following his Alabama associations, sided with the pro-slavery wing of his party; but at times it was evident he had never entirely forgotten his early Ohio teachings. While in the United States Senate he was on intimate terms socially with John C. Breckenridge; but I personally know that he was not in full record with the extreme pro-slavery opinions of Mr. Breckenridge. I had it from himself while Senator, that he was thoroughly disgusted with politics and had determined to retire therefrom at the end of his service in the Senate. To use his own expression, he said: "Any one who caught him meddling with politics thereafter, would be at liberty to take a double-barrel shotgun and shoot him."

At the time suggested he abandoned politics and launched out in the banking business, on English capital as was understood. Latham was for a time collector of customs at the port of San Francisco, and when his accounts as such were settled up in the department at Washington, there was found due him a balance of one cent, for which a regular warrant was drawn and a draft in due form forwarded to him by mail. He did not present this draft for payment, but instead, had it framed and hung up in his office, not as he protested, to prove his honesty, but as a mere matter of curiosity. The government to this day will probably acknowledge an indebtedness to Milton S. Latham's heirs of one cent.

Mr. Latham's law partner in Sacramento was Alonzo Munson, who in time became a district judge. He was far better fitted by nature for the bar than for the bench. He was unable, while Judge, to control his prejudices.

His faith in his friends, whether at the bar as lawyers, or in court as litigants, was unbounded. It was never difficult to designate the winning party in his court. After his retirement from the bench, he came near being lost on the ill-fated steamer Central America when on his way to New York, his former home. He owed his escape when that vessel went down, to a better developed instinct for self-preservation than was possessed by other men on board, which led him to seek safety in a boat with the women.

The heroism displayed by many Californians on the memorable occasion of the sinking of that ship, was often spoken of as something remarkable. It is related of Hayward, the great stage proprietor, that when his fate became inevitable, he coolly lighted a cigar and calmly stood smoking when the end came. R. A. Lockwood, a very distinguished lawyer of San Francisco, also on board, met death without the slightest trepidation.

When it became known that the ship must sink, and that the lifeboats were altogether insufficient, many of the men divested themselves of such gold as they had on their persons, scattering it promiscuously on the deck, whereupon others, unable to restrain their greed, gathered it up and, with pockets full, speedily sank to the bottom of the ocean. But this is nothing new; many a man before and since has been borne down by greed of gold to a lower depth than the bottom of the sea. It has been said that great wealth ameliorates the pain of death, and many doubtless, in its accumulation, act on that belief. Perhaps the poor fellows on the Central America, who loaded themselves down with gold before taking to the water, enjoyed at least that consolation.

This brings to mind a remark attributed to my friend John B. Felton, a distinguished San Francisco lawyer of later times. He was attorney for the estate of Michael Reese, a very wealthy citizen who died. Felton was asked how much money Michael left. "Oh," replied

Felton, "he left it all." It was remarked by some one afterwards, that Felton, as the attorney of the estate was not so indiscreet.

Another firm in the practice of the law in Sacramento for years, was Haggin & Tevis. They were distinctively business lawyers, and both afterwards amassed immense fortunes. Lloyd Tevis became the head of the great Express and Banking House of Wells, Fargo and Company.

James B. Haggin, a man of wonderful shrewdness, and remarkable for his reserved dignity, is well known in a business way, over a wider field than America affords. His varied achievements in the world of business and sport have astonished his early Sacramento associates. Haggin and Tevis married the beautiful daughters of Lewis Sanders, who also was in the law practice. Col. Sanders was remarkable for his openmouthed antipathy towards Abolitionists, with whom he persisted in classing me, to my amusement rather than otherwise. Haggin was married before coming to California, but Tevis took Miss Sue Sanders, an estimable lady, to wife in Sacramento. It was one of the earliest weddings in that place. Mrs. Cole and myself, then a young married couple, were present at the ceremony.

My immediate predecessor in the office of District Attorney was Frank Hereford, a sprightly young Virginia gentleman and industrious lawyer. He was afterwards a representative in Congress from West Virginia and on the death of Senator Caperton of that State succeeded him in the Senate of the United States, ending his term, March 3d 1881.

Volney E. Howard, before he moved to Los Angeles, where he became a distinguished judge, was in the practice of the law in Sacramento. He was a sound lawyer and a most reliable counselor. He was a native of New England, but moved to Texas, and represented that state in the 31st and 32d Congresses. This was during the administrations of Taylor and Fillmore. General Howard, always a Democrat, was a man of much political sagacity and was highly esteemed by both those Whig Presidents. He died in 1889, universally respected.

John Bigler was long a resident of Sacramento. His practice was more in the line of counsellor than attorney. He early drifted from the pure fountains of Blackstone into the "filthy pool of politics," and soon became governor of the state. He was always loyal to California and sincere in his attachment to the Union. He had a brother, William Bigler, a well known Congressman from Pennsylvania, with whom I became as well acquainted as with the Governor.

H. O. Beatty, a quiet and genial gentleman and sound lawyer, was in a large practice in Sacramento. He was of a most gentle nature and I can hardly believe he ever had an enemy in the world. He was a man of sterling integrity. His son, differing from him in some respects, but not in legal learning or integrity, has long been Chief Justice of California.

Charles T. Botts, brother of John Minor Botts, once Governor of Virginia, spoken of elsewhere in these recollections, was a smart lawyer and a kind-hearted gentleman. He inherited a strong attachment for the South, but was not too bigoted to recognize merit wherever found. The same may be said of Tod Robinson who, though educated in the midst of slavery, could take an impartial view of that institution. Tod Robinson had and merited a high reputation as a lawyer both in California and in the State from which he came,

Col. James C. Zabriskie, distinguished for independence of thought and action, was, I think, a Polish refugee. His practice was of a general character. His accomplished daughter, Lizzie, became the wife of Governor J. Neely Johnson.

Phil. L. Edwards stood as high as he deserved as a lawyer, and enjoyed a fair share of the practice in Sacramento. He was a pioneer of pioneers. He crossed the continent at a very early day, as a young missionary, with the Lees to Oregon.

B. C. Whiting was among the later ones in the law practice in Sacramento. He was deputy district attorney and afterwards United States Attorney for California. He served ably in the State Senate and for some time as Superintendent of Indian Affairs on the Pacific Coast. He died many years ago in Los Angeles, much respected and deeply mourned.

Silas Anderson was a lawyer of exceptional ability. His practice while at the bar was extensive and successful. For merit alone as a lawyer, he was elevated to the Chief Justiceship of the State, which office he filled with dignity, and to the great satisfaction of the legal fraternity. He finally deserted the bench to act as leading counsel of the Pacific Railroad Company, where his compensation was many times greater than as Chief Justice.

Joseph Winans will long be remembered as a lawyer, scholar and poet; proficient in either and not more so in one than in the other. He was a well-meaning man and always believed he was right, as he usually was.

Thomas Sunderland, of the firm of Ralston and Sunderland, brothers-in-law, a sedate and thoughful lawyer, in later years transferred his business energies to the City of Washington, where he became largely interested in real estate during the reign of Mayor Alexander Shepherd. Sunderland was a strictly upright and honorable man, which can as truthfully be said of Shepherd himself, but probably not of all who were associated with him in the regeneration of the National Capital. Sunderland grew wealthy. He gave up the chase many years ago, leaving an ample fortune to his estimable wife and children.

J. Neely Johnson early developed a better taste for politics than law, and while yet a young man was promoted to the governorship, where he served with some distinction. Though having the whole power of the state at his command, he was incompetent, or unwilling to cope with the Vigilance Committee of 1856, and thereby incurred the malediction of many of the law-and-order party, made up in large part of lawyers. His brother William, though becoming entirely blind, continued in the practice, even trying causes in court to the satisfaction of his clients.

Another prominent and longtime resident of Sacramento was Newton Booth. Quite studious, he was capable of giving good advice in law, business, or politics, but seldom did in either. Later, falling in collision with the railroad interests of the State, he made a few public speeches, which for truly Ciceronian qualities brought him into prominence throughout the State, and he was elected governor. He was presently transferred to the United States Senate, but took no active part in the deliberations of that body. His associations in Washington contributed more to personal enjoyment than to his usefulness. He died many years before his career should have come to an end.

This allusion to the prominent lawyers of Sacramento would be far from complete without the mention of Edwin B. Crocker. In any other State Mr. Crocker would have been called a great lawyer. If not ranked as such here it must have been because a lawyer, like a prophet, finds least appreciation in his own country. But Mr. Crocker did attain to the Supreme Court bench of California, where the opinions rendered by him will always stand approved. From the commencement he was the reliable counselor of the Pacific Railroad Company of which his brother Charles was one of the principal promotors. In his later years, as his wealth increased, he developed much public spirit. His death was deplored by many besides his family friends.

Charles A. Sumner, a student of the law and admitted to the bar, was best known as a shorthand reporter and a newspaper man. He was a resident of Sacramento during the stirring times that preceded the war. When Senator Broderick made a political tour of the state, not very long before his untimely taking off, Sumner accompanied him as reporter and took down verbatim all of Broderick's speeches. Sumner, a good judge in the case, entertained a high opinion of Broderick as a public speaker, often alluding to the subject. He highly prized and carefully preserved his stenographic notes of Broderick's speeches and if yet in existence they would make a valuable addition to the political literature of the state. Mr. Sumner has gone the way of all the earth, but it is hoped his reports of Broderick's speeches have not shared a similar fate. Before his death Sumner, elected on ticket at large, faithfully represented this State in the national House of Representatives, rendering much valuable service.

Edward Stanley was the Republican candidate for Governor of California in 1857. He accepted the nomination without much reluctance, though he well knew there was not the slightest chance of his election. The desire of the Republicans that year was to make as good a showing as possible in point of numbers, and the nomination of Mr. Stanley was deemed a fortunate one. He was a native of North Carolina and Republicans from south of Mason and Dixon line were in those days exceedingly scarce. He had most ably represented his native state in Congress for many years, and was thoroughly familiar with national politics. From his prominence in the affairs of his time, and on account of his great ability, sterling integrity and independence of character, he was well known throughout the whole country. I believe his political opinions had led to a duel or two before coming to California. Mr. Stanley was rather under medium size and not physically strong. In these particulars, as in features and personal appearance generally, he bore a striking resemblance to William H. Seward, with whom, curiously enough, he was always, while both lived, on terms of intimacy. I am sure the two entertained great respect for each other's opinions. Mr. Stanley, during his candidacy for governor, made his headquarters at my office when in Sacramento, and there prepared his speeches and other campaign literature. Like Governor Seward he was extremely particular about everything that emanated from his tongue or pen. In style it had to be as near perfect as human ingenuity could make it. He was not more beyond criticism in that regard than in other traits of his character. As a gentleman his approach to perfection was as near as that of any man I ever knew.

So much regarding individuals, and now a little further touching the politics of the period. This will best appear, I trust, from what was said at the time. On the 3d of November 1858 I wrote my old friend and instructor:— "The late election in this State was attempted to be carried by deception. The Broderick-Douglas men carried on the war under the Democratic flag, but fought with Republican weapons, and used Republican ammunition. To prove that they were really Democrats, which the people were to believe, they took to denouncing the Republicans, whose old arguments were their only sinews in the fight. The people dislike dissimulation and repelled the fraud by voting with the administration. The Republicans took little part in the contest. The recent action of Broderick and McKibben had forestalled opposition to them for that occasion. The Douglasites have learned an important lesson. Cowardice is as fatal in a political battle as in any other. We are waiting with intense anxiety the result of the contest in Illinois and New York."

September 19th, 1859, I wrote:—"Mr. Broderick is dead. His last words tell the whole story: "They have killed me because I was opposed to the extension of slavery and a corrupt administration." He fell by the hand of Chief Justice Terry, in an alleged duel. His death was decreed by his enemies months ago, and was not unexpected. Our sky is now gloomy, but some rays of hope penetrate the dark clouds. We are not in despair though sad. Mr. Broderick could hardly be spared in the Senate. California was in need of such men there, but she will have to forego their services for a time.

"Our annual election is just over. It was quite a one-sided affair. The attempt was made to reprove Democracy with Democracy and failed as was expected by Republicans. Had Mr. Broderick pursued the same course as Mr. Grover of Oregon, the result would have been different. Then two Congressmen would have been saved and Mr. Broderick probably been alive. The vote for Baker and McKibben shows how the people feel on National politics. Had the issue been upon Congressmen alone they would have been elected. Latham's majority is near thirty thousand and he dragged in enough votes for Scott and Burch to barely to elect them.

"Another indication of the changing sentiment of the people here may possibly be found in my own election to the office of District Attorney in the Capital City and County of the State, the centre and hotbed of chivalry. No man is better known in this community as an out-and-out Republican than myself, and my success was achieved without the slightest compromise of principles or party. My opponent was a brother of the late District Attorney and a nephew of Ex-Governor Henry S. Foote. His family influence was great, but my majority was 226 out of less than 7,000 votes. I am the only Republican elected in this county and, I am sorry to say, almost the only one in the State this year. Yet California will join the other free states in the great fight of next year if the National Convention acts wisely. Bravery is as necessary in a political contest as on the field of battle. If the Republicans would do well they must make a bold fight. The idea of mere availability is an argument against the popular intelligence which is the basis of all free Government.

"The argument of availability is one of the abominations of Democracy and should be disregarded by Republicans. Our delegation to the national convention will be instructed as was that of Oregon."

Dec. 1, 1860, I wrote Mr. Seward:—As suggested four years ago California has fallen in line with the other free states. It required much exertion, but not too much to bring about this result.

"Now our hopes are high that we shall soon be brought in close fellowship with our brethren East by means of overland telegraphs and railroads. It is easier for one on the Atlantic side to reach Europe, South America, Africa, or even Asia, than California. This isolation is irksome and the remedy is in the hands of the next administration. Prompt action in this direction will speedily change our Republican plurality to a clear majority; and then what better line of party policy can be adopted than to divert the energies of the government from subserving slavery to the building up of free states from ocean to ocean?

"I have reason to believe that the President elect will be burdened with applications for office from this State. I only hope he may make no radical mistake, as he will have abundant opportunity to do. This much I might presume to say to him, because our people are new-comers, scattered over a very wide territory, and know each other less intimately, perhaps, than do citizens in other states. But I will claim no more of your time. Our great desideratum is a Pacific Rail Road. I will send this by "Pony" that you may see what can be done.

"Dr Gwin will not be returned. If his successor is chosen this winter—which I doubt—it will be a proslavery man."

This allusion to Dr. Gwin revives my recollection of meeting him in 1885, on the occasion of the first inauguration of Grover Cleveland as President. I happened to be in Washington attending to Alabama Claims at the time and naturally joined in the inaugural ceremonies. The Doctor being my predecessor in the Senate brought us together and a long suspended but rather agreeable acquaintance was renewed. He became quite communicative and among other things stated that just twenty-four years had that day elapsed since he was last in the Senate Chamber. I was able to say that just half that time had passed since I left the Senate.

Dr. Gwin had abandoned the country with some disgust in consequence of the rebellion, and had been created Duke of Sonora under the Maximilian Empire but he was now apparently fully reconciled to the authority of the United States Government, as it was coming under a Democratic administration for the first time since the great unpleasantness.

Mr. Cleveland on that occasion exhibited more coolness and less trepidation than any one I have ever seen pass through that ordeal. The multitude before him literally covered acres. His address, delivered from the East front of the Capitol, was in a loud voice, and, though unaided by note or memorandum, without missing a word. It was in all respects a very creditable performance.

CHAPTER XVI

1860.

LELAND STANFORD — THE PONY EXPRESS — LINCOLN'S ELECTION — THE INSURRECTION — ALBERT SIDNEY JOHNSTON — RAISING FUNDS.

WHEN Leland Stanford was nominated for Governor, at his special request I accompanied him on a visit to different parts of the State on an electioneering tour. We traveled pretty extensively through the mining regions, and some of the valleys as well, addressing meetings every evening. Our audiences were large, and, though made up in great part of our political opponents, we were accorded a respectful hearing on all occasions. There was evidently a great change going on in the minds of the people on the subject of slavery, which was one of the principal themes of our discussion. It may be said that while we presented the most advanced doctrines of our party, they seldom, if ever, met with open dissent; on the contrary, they were frequently greeted with cordial approval and sometimes when wholly unexpected. The times were exceedingly fruitful of political topics, and my associate, being the candidate, was uniformly accorded the first hearing. Our hope was, and our effort also, to recruit our party from the ranks of the antislavery element in the old organizations, from which we ourselves were dissenters, he from the Whigs and I from the Democrats. It is well remembered that the reluctance of those who professed to agree with us in opinions to come with us for effective work, was to us a source of great annoyance, which at times may have been but illy concealed. But Stanford was elected, and the State was carried for Lincoln and Hamlin.

On this trip I became more thoroughly acquainted with Stanford than I had been. I ascertained him to be a man of broad views concerning public affairs, and an independent thinker, as afterwards appeared in his distinguished career.

Early in May 1860 the overland Pony Express was inaugurated. This was a matter of absorbing interest to everybody on the Pacific coast and particularly to the trades people of California. Be it remembered that the Pony Express preceded the telegraph as well as the railroad. It opened up communication with the Atlantic seaboard in the wonderfully short time, as was then thought, of ten days. Prior to that the speediest way of transmitting intelligence from one side of the continent to the other was by steamship, by way of Panama, and that consumed often four and never less than three weeks. The mail steamers at first arrived only monthly, but later perhaps oftener, and the time between steamers, when great events were transpiring in other parts of the world, seemed distressingly prolonged.

The advent of the Pony Express, therefore, was hailed with great delight by the newspaper men of the coast as well as by the merchants and others having close business relations with the East. Shortening the time of communication across the continent to less than one half was regarded as something extraordinary, as it really was considering the manner in which it was done. For the purposes of this express a line of nearly two hundred stations was established on the shortest practicable route between St. Joe, on the Missouri river, and Sacramento city, California. These stations were well supplied with the fleetest horses that could be procured, three or four at each station and many hundreds in all. Besides the keepers of the stations, the requisite number of daring boys of light weight, for riders, were employed. Of these there were more than half a hundred, and among them, young William Cody, afterwards better known as Buffalo Bill. He was then but fourteen years of age, but a man in courage. Each rider for his run would make a hundred miles, a little more or less, without stopping a moment for rest, changing horses perhaps a dozen times on his stretch, jumping from one foaming steed, with his light letter pouch, to the back of a fresh one already saddled awaiting him, and away he would speed like the wind. The ride of John Gilpin was not to be compared with the ride of these brave boys. Some of them were killed by the Indians, but that did not deter others from taking their places. They were ordered to make time and they always made it.

Those who were there to witness it, will never forget the arrival of the first of these express messengers in Sacramento. It was an occasion of great rejoicing and every body, big and little, old and young, turned out to see the fun. All business for the time was suspended; even the courts adjourned for the event. A large number of the citizens of all classes, grave and gay, mounted on fast horses, rode out some miles on the line to meet the incoming wonder. The waiting was not long. The little rider upon his blooded charger, under whip and spur, came down upon them like a meteor, but made not the slightest halt to greet his many visitors. Then began a race of all that waiting throng, over the stretch back to the city, the like of which has never been seen. It may have been rivaled in speed and confusion by some of the cavalry disasters during the war that presently followed, but the peaceful people of Sacramento, I am sure, never beheld anything of the kind before or afterwards. The whole cavalcade, shouting and cheering, some waving banners and bareheaded, riding at the top of their speed, dashing down J street, might have been taken, had it occurred on the Plains, for a band of wild Comanches, but the little mail carrier paid no attention to them and kept in the lead. If there was one in the whole throng more conspicuous than the rest and who might have been taken for the chief of the tribe, it was Charles Crocker, afterwards so prominently associated with the great Pacific Railroad enterprise.

Only nine years after the event here spoken of, owing largely to the exertions of Mr. Crocker, the wonderful speed of the Pony Express, so lauded in its time, was far outdone by the steam horse upon the iron road.

It ought to be noted here that all letters to be sent by the Pony Express were required to be written on the thinnest of paper. Even newspapers to be sent by that express were printed on tissue paper and sent as letters. But light as they were the charge upon each was five dollars, and at that high rate of postage the enterprise continued to be well patronized until its usefulness was finally cut off by the completion of the overland telegraph.

The Pony Express was the conception of Alexander Majors, one of the most energetic of all the farseeing men of that period. Whether during the two years or less of its existence, its revenues met the heavy outlay of the enterprise is not now known, but that they did is to be inferred from the fact that before the service ceased, the Government, asuming control over it, reduced the rate of postage from five dollars to one dollar on each half ounce of mail matter carried by the Pony Express.

All too soon for Majors was organized also the Northern overland mail stage line by Ben Holliday. This occurred I believe, in 1861. The contract with Butterfield for carrying the mail by another and more Southern route, from the Western frontier in Missouri, via Sante Fé, El Paso, Yuma and Los Angeles to San Francisco, a distance of nearly 3000 miles, was broken up by the breaking out of the rebellion, and the contract with Holliday followed. He was much encouraged in his enterprise by the discovery of gold at Pike's Peak and of silver in Nevada. Settlements sprang up along the line, notably at Denver, Salt Lake and Virginia City; nevertheless, Holliday encountered difficulties in the way of Indian troubles. At one time his stations for hundreds of miles were destroyed, but he perserved and, by running night and day, reduced the stage time overland to less than twenty days. The line chosen by him was nearly the same as that of the Pony Express. It lay south of Great Salt Lake, thence directly west to Carson and over the Sierras. Patronage of this line was increased by the war. British cruisers, bearing the Confederate flag, infested the high seas, and many people were diverted from the hitherto usual line of travel by way of the Isthmus. They preferred to incur the danger from hostile Indians rather than from piratical cruisers.

Majors, Butterfield and Holliday are names long to be remembered in connection with overland transportation. The operations of each far exceeded in magnitude anything of the kind before undertaken. Their lines lay through Indian infested regions, otherwise uninhabited, and for ages believed to be uninhabitable by civilized man. Their enterprises were strictly of the pioneer order and more daring than business men of large capital ever before engaged in on their own account. The Government has reaped great advantage from their work. For generations the country was hardly ever free from Indian depredations. Wars of considerable magnitude, with one tribe or another, and sometimes with several combined, were not uncommon. But the operations of these Express and Stage masters, followed closely by the railroad builders, have put an end to all this, and no troubles of the sort have for many years been heard of. On every line occupied by these business pioneers, populous and prosperous civilized settlements have displaced the haunts of hostile savages. To Alexander Majors, John Butterfield and Ben Holliday the country owes a debt of gratitude that can never be adequately compensated.

In the Presidential election of 1860 I took a little less active part than I had in the last preceding national contest, not because of lack of zeal in the cause, but for the reason that many had now come forward willing to assume their share of the burdens of party management. The failure of Mr. Seward to get the nomination was something of a disappointment. Without doubt a majority of the Republicans throughout the land expected he would be the choice of the convention and the nomination of Mr. Lincoln was therefore something of a surprise. He was regarded as a little more conservative, and less obnoxious to the prejudices of the people on the slavery question than Mr. Seward. The choice of Mr. Lincoln was generally hailed by the party as an eminently judicious one, as it proved to be.

Before the nomination four candidates for President were freely discussed, Governor Seward, Salmon P. Chase, Edward Bates and Abraham Lincoln, all of whom afterwards, through the monumental wisdom of Mr. Lincoln, became part and parcel of his administration. Had Mr. Seward instead of Mr. Lincoln been the nominee, I, as a personal friend of his, would have been expected to take a most active part in the election.

As a matter of fact I did not then fully comprehend the gravity of the political situation. I did not believe that any considerable portion of the people would regard the success of the Republican party as a cause for dissolving the Union. In view of the really conservative attitude of our party, its strictly let alone policy towards slavery, always announced in its platforms and on the stump, it did not seem to me at all probable that forcible resistance could anywhere be organized against the administration of Mr. Lincoln, in the event of his indisputably lawful election. Such resistance, backed up as it was by warlike demonstrations, was nothing short of a surprise. It was unlooked for. I reasoned that if there was danger of a slave insurrection growing out of the discussion of slavery, that danger would be increased a thousand fold by a war undertaken distinctively for its propagation. Such a war would certainly, it seemed to me, either bring about an insurrection, or prove the falsity of the pretension of danger from slave insurrection. I did not think the slave-power would hastily put itself in that awkward dilemma. In short, I did not look for the war, nor did I foresee that it would result in the total abolition of slavery, and, least of all, that I would ever be called upon to give my vote, with the few other members of Congress, for the entire and lasting destruction of slavery in America.

As I am writing these sketches almost entirely from memory, I may not be strictly accurate in all dates, but as to events my statements will not vary far from the facts.

As soon as the news reached California of steps taken in certain States towards secession, and of the determination of the slave propaganda to resist the authority of Mr. Lincoln, no little uneasiness arose as to what attitude the Southern element here in California would assume. That element was yet dominant in political circles, and at first there was ground for apprehension that an attempt would be made to line up California with the insurgents. I say, at first, for in a few months a very decided sentiment arose in favor of preserving the Union. Before this determination became overwhelming, different schemes were proposed to stand by the South.

When it became evident from the tone of the press and the speech of people that this State, though still under ultra Democratic sway, could not by any possibility be carried over to join the seceded States, a strong movement was set on foot to have her assume an attitude of neutrality between the North and the South. Of course this meant resistence to Lincoln's administration and virtual secession. All of our representatives in the two Houses of Congress, favored this plan for an independent Pacific Republic and several widely circulated newspapers in San Francisco took the same ground.

A State convention of these malcontents was called, a platform of resolutions put forth sustaining their views, and a State ticket was nominated, with John R. Mc Connell at its head for Governor. That ticket received at the polls almost thirty-three thousand votes, and enough to keep alive the hope in its supporters that all was not lost.

The entire Federal patronage and power on this coast, including the military arm, was absolutely in the hands of that party.

It can be, at this late day, of no benefit, and of but doubtful historical value, to quote from the platform of the convention referred to, or from the fiery speeches made on that occasion. Language like this from Edmund Randolph, a talented leader of the party, will now be universally disapproved. He ended his inflammatory speech:

"For God's sake speed the ball, may the lead go quick to the heart, and may our country be free from the despot usurper that now claims the name of the president of the United States." (Cheers).

The United States military department of the Pacific Coast was under the command of General Albert Sidney Johnston, an able officer and a pronounced sympathizer with Secessionists. His command, so far as numbers of regularly enlisted men were concerned, was small, but his force could have been recruited largely at a moment's notice from the McConnell secession party. And then Johnston had complete control of all the arms and ammunition of war on the coast, and a lively hope continued, on the part of the extremists, that they could aid, or at least lend encouragement to their brethren on the Atlantic side. General Johnston could be relied upon not to use his military authority against the rebellious States, and the expectation of his friends was that he would, by military order, assume a neutral position.

Their plans were kept from the public at large, but they leaked out in this way: Edmund Randolph, the distinguished San Francisco lawyer already mentioned, a native of Virginia, was deep in the councils of the insurgents, but was now on a sick bed, from which, by the way, he never arose. Though an invalid, Randolph was freely conferred with in reference to a proposed order, or proclamation, of General Johnston, for the neutrality of his command, which really meant resistance to the authority of Mr. Lincoln. It was to be a bold step by the military power to take California out of the Union. The conspiracy was divulged through a colored nurse of Mr. Randolph. The scheme was not intended for the ear of this man, but, possessing much brightness, he took it all in, and communicated it confidentially, first to Mr. James McClatchy, who had been associated with me in the publication of The Times. The information was deemed by us of sufficient importance to be forwarded at once to Washington. It resulted in the sending of General Sumner in haste to this coast to supersede Johnston in command. General Sumner arrived at San Francisco by steamer in the shortest possible time, and proceeded at once to the headquarters of Genl. Johnston, with the order to turn over his command. It was now after night and Johnston, hesitating, replied that he would be ready to vacate in the morning. "No," said Sumner, "I will take possession now," and gave his orders to Johnston.

How far this movement in support of secession would have been carried out, but for this unexpected interference of General Sumner, is somewhat problematic, but it is not at all problematic that General Albert Sidney Johnston, on being relieved of his command on this coast, proceeded at once, overland, by way of Los Angeles and the Southern route, to join the Jeff Davis rebellion. At Los Angeles he gathered a cavalry force of over a hundred men. At Yuma they were intercepted by the United States authorities and most of them abandoned the expedition; but sixteen continued on with Johnston. Arriving within range of the Confederacy, Johnston was instantly given a very high military command. He rendered very efficient service for the secession fallacy, and while fighting for it was killed on the battle field of Shiloh, April 6th, 1862, hardly a year after yielding his command to General Sumner at San Francisco.

I have little doubt the conspiracy was well on foot to establish, by force of arms, the doctrine of secession for California, when it was thwarted as above narrated. Not only General Johnston, but a good number of others, prominent citizens of California, left to take service in the army of Jefferson Davis against the Union. Some of these shared the fate of Johnston and never returned.

In these stormy times General Winfield S. Hancock, then occupying a subordinate rank in the army, was in command of the Union forces in Los Angeles, having been ordered there by General Sumner immediately on the arrival of the latter on this coast. The government troops from Fort Tejon and other posts were at once concentrated at Los Angeles on account of the strong secession sentiment prevailing in that locality. Hancock, like Sumner and Johnston, had been educated at West Point, and was already recognized as an officer of no ordinary ability. He had married into a Southern family and was regarded as in a high degree chivalrous. For these reasons, it may have been, strenuous efforts were made, while Johnston was lingering in Los Angeles, to win Hancock over to the support of the Confederacy. He was informed a Major

Generalship awaited him in the rebel army and any service he might desire, but he indignantly spurned the offer, if it may be called such, and in his determination was warmly seconded by his loyal wife.

So open and notorious were the demonstrations of disloyalty in the southern half of California, that it was deemed advisable by the Union people, though far in the minority, to display the stars and stripes over the Courthouse in Los Angeles. When this purpose became known, notice was posted throughout the town that any one attempting to hoist the flag would be shot, and, at the appointed time for the event, a large number of horsemen, well armed, rode in town to take a hand in preventing the performance. As the hour approached, Colonel Hancock's little command was drawn up on the opposite side of the street from the Court House, and the gallant Colonel himself, after a brief speech, burning with patriotism, seized the halyards and hauled up the flag with his own hands.

General Johnston's band of insurgents, before setting out on their journey overland rendezvoused at Warner's Ranch in San Diego County. It was in pursuance of Colonel Hancock's orders that they were intercepted at Yuma. He remained in command in Southern California until order there was thoroughly restored, and was then sent to a more belligerent field, where much distinction as a military commander awaited him. In his race for the Presidency in 1880 it required a no less popular candidate than James A. Garfield to defeat him.

The finances of the country, when Lincoln came to the Presidency, were found to be in a deplorable condition. Howell Cobb, President Buchanan's Secretary of the Treasury, on retiring had left them in a condition to embarrass the new administration as much as possible. It was part of the plan of the conspirators to break up the Union by destroying the credit of the government. The scheme of Floyd to scatter the army and misplace the munitions of war, was well seconded by Cobb in the management of the finances. So well had he succeeded, that it became necessary almost at the beginning of Lincoln's term to call upon the people for voluntary contributions to the Treasury to keep the wheels of government moving. Such a thing had not before happened in the history of this country.

The appeal was made by Mr. Chase, the new Secretary of the Treasury, and was promptly responded to by as many of the friends of the government as were able to contribute, and by some who, like myself, could illy afford to spare the funds, but the step was regarded as indispensable to the continuance of an undivided republic. So stupendous did the stake appear that we came forward with cheerfulness and alacrity. D. O. Mills, then a resident of Sacramento, and always to be remembered, as much for his patriotism as for his integrity, and for both without limit, was made the agent of the Department for receiving and transmitting the contributions.

This proved to be only a loan to the Government as the following documents will show.

"No. 24 OFFICE OF THE SUBSCRIPTION AGENCY
SACRAMENTO, CAL. Nov. 18, 1861.

I certify, that C. Cole, for five $100 Treasury Notes, has this day deposited to the credit of the Treasurer of the United States, Five hundred dollars, principal, and Nine $^{10}/_{100}$ dollars interest, on account of three years Treasury Notes, dated August 19, 1861, and bearing interest at the rate of $7^{3}/_{10}$ per centum per annum, for which I have signed duplicate receipts.

$509.10 D. O. MILLS
Subscription Agent.

TREASURY DEPARTMENT.
Dec. 16, 1861

Sir

Your letter of the 18 Nov. has been received enclosing the Certificate of Deposit of D. O. Mills, Subscription Agent, No. 24, $500—on account of your offer for $7^{3}/_{10}$ per cent. Treasury Notes, which will be issued as soon as they can be prepared.

I am, very respectfully,
G. RODMAN
for Secretary of the Treasury.

To C. COLE ESQ.
Sacramento
Cal.

CHAPTER XVII

1862

THE CENTRAL PACIFIC RAILROAD COMPANY — T. T. JUDAH THE ORGANIZATION — A SACRIFICE — SACRAMENTO FLOOD SANTA CRUZ — TRIP EAST — AT THE FRONT — THE REBELS — WASHINGTON PEOPLE — BY STAGE OVERLAND.

SOMETIME early in the year 1861 the Central Pacific Railroad Company of California was organized and became incorporated. A civil engineer of some repute, Theodore T. Judah, had made a reconnoissance of the Sierra Nevada Mountains and believed he had discovered a practicable pass for a railroad over them. He first took the result of his investigation to San Francisco, with the expectation of organizing a company there to build a road on the line of his survey. In this he was disappointed. Meeting with no encouragement at the Bay, he came up to Sacramento and laid his plans before a few citizens there, and a meeting was called at his request to consider the proposition. Less than a dozen of us met in a small room over the store of Huntington & Hopkins on K Street.

After listening to the report of Mr. Judah, who was known to most of us, we agreed at that first meeting, upon the organization of a company, to build the railroad over the mountains, little dreaming of the real difficulties to be encountered in that great work. It was given the name of the Central Pacific Railroad Company of California, and the amount of the capital stock was fixed at eight and a half million dollars. I think every one present subscribed for, or agreed to take stock in the concern. Several subscribed for fifty shares each, but no one for more than that. I took fifteen shares at first and subsequently acquired ten more. I paid several large assessments in gold on my stock, for which I still hold the receipts of Mark Hopkins, Treasurer of the Company.

Afterwards, when a member of the Select Committee on the Pacific Railroad of the House of Representatives, being called upon, in that capacity, to favor measures for the benefit of the Central and Union Pacific Railroads, it was deemed inappropriate for me to be interested pecuniarily in such measures, and I sold and transferred my twenty-five shares of the original stock to Leland Stanford, President of the Central Pacific Company, obtaining for the same something less than four thousand dollars. Those shares of the original stock became eventually, and not very long afterwards, largely through my exertions in Congress on behalf of the Company, worth several millions, but they yielded me only the paltry sum above named. Such is the sacrifice a man in public life is sometimes called upon to make, but for which he gets no credit. I may allude to this subject again in speaking of the Thirty-eighth Congress.

It was near the end of the year of 1862 that Sacramento Valley was visited by one of the most disastrous floods in all its history. The rains of the season held off until late and the agricultural interest were suffering when the downpour began, and before the people were fairly alive to it, much more rain came than was desired. The valley was converted into a vast lake. The water in many directions extended as far as the eye could reach. The levee around the City gave way in several places and the floods rushed in, covering all the streets to the depth of three of four feet at least. Business places and dwellings alike were inundated and immense damage resulted. All kinds of water conveyance, rafts, boats and floats were improvised and the whole thing for awhile was treated as a huge joke. It was the occasion of much hilarity; not so, however, with a dignified schoolmaster who, slipping from his raft, barely escaped drowning. As he scrambled up out of the muudy tide he angrily remarked: "I hope those durned agriculturalists are satisfied now." The farmers had been clamoring loud and long for rain before the flood came, and it was to this he alluded.

Though our house stood well above the ground the water rose in it to the depth of more than three feet, destroying everything not removed, including carpets and furniture, even when piled upon the tables.

With our family, including four small children, my wife and I lived up stairs for nearly three weeks, when that mode of housekeeping becoming irksome, we floated down to San Francisco, and thence, in a little while, on to the charming seaside hamlet of Santa Cruz.

In these times something of a military spirit was engendered by the war, then in progress, and a cavalry company was formed in Santa Cruz. It was against my earnest protest that I was named as captain; but nothing ever came of it, though I have been told that Mrs. Cole received a captain's commission, nominally on my behalf, from Governor Low.

Leaving my family at Santa Cruz I made a trip to the East, sailing from San Francisco on the first of February 1863, and going by way of the Isthmus of Panama.

On some business connected with the Government our ship made a call at Mazatlan. Unlike Acapulco, Mazatlan is low and level and bordered on nearly every side by flat lands. The harbor is cut off from the ocean by scattered rocks and rugged reefs, raising their heads not much above the surface of the sea. The buildings of the town were all low, but neatly whitewashed and in good order, as were also the streets. The people were noticeably demure, presumably on account of the war, but polite.

Not anything out of the ordinary in a sea voyage, occurred on the Pacific.

In Panama it was observable from the bustle and movements in public places, that the political disturbances in our own country and in the Spanish American States were felt there. Panama, from her geographical position must always remain a central point of meeting for many different peoples. The completion of the great canal, now in process of construction, will give that quaint old city far greater prominence than she has ever before enjoyed.

On the Atlantic ocean, to avoid hostile cruisers, we were constrained to run with lights down every night and to go far out of our course around the west end of Cuba. We avoided the usual route by the Windward Passage, as English cruisers flying the Confederate flag were supposed to be lurking near there to intercept the steamers of the California line, which in those days carried large shipments of gold. Later, during the conflict, such vessels as ours were invariably convoyed by a man of war.

While ashore at Kingston, Jamaica, I happened in at a court of law then in session. Jamaica being a British possession, the trial, then on, was conducted according to the forms of practice in the mother country. It was a criminal case and in the jury box were mingled negroes and white men. Such an incident had never come under my observation before and I confess with some reluctance, that at the time, it grated on my sense of propriety.

At the time of my arrival in New York, the civil war was in one of its most strenuous periods and a feeling of uncertainty as to the result appeared to have taken possession of everybody. I soon visited Washington. The Congress was in session, and all departments of the government were under considerable tension. The National and the Rebel armies in Virginia were only separated by the little Rappahannock river, and the Rebels were altogether too close to the Federal capital to admit of perfect equanimity on the part of the authorities; nevertheless, confidence, whether felt or not, was expressed by everybody there in the success of the Union arms.

The base of supplies for the army operating in Virginia was then at Aquia Creek, a little ways down the Potomac. The distance from there across to Fredericksburg, then in possession of the enemy, was only a few miles, but muddier roads to reach the front it would be difficult to imagine. There is nothing like an army to spoil a highway. I found my brother, then Colonel George W. Cole, in command of a regiment on the margin of the river directly opposite the rebel encampments. The Rappahannock is a narrow stream and the soldiers of the two armies were camped on either side facing each other. Though in easy rifle range there was no firing across. In fact both sides were quite respectful in demeanor. This was in marked contrast with the feeling manifested by these same soldiers only a year of two later. A civilian like myself could inspect the enemy's lines over the river at Fredericksburg early in 1863, with entire safety, but it was terribly different in front of Petersburg late in 1864. The people of neither the North not the South had yet, in 1863, become aroused to the earnestness of the struggle. There was yet a lively hope with many that an end might be put to the fraternal strife without much further loss of blood. Even such a conspicuous patriot as Horace Greeley was in favor of letting "our erring sisters of the South depart in peace."

On the 8th of March I wrote from Washington:

"I have just returned from the Rappahannock, the front of our army, where I have been looking at our Army of the Potomac and at the Rebels. Saw lots of them over the river, heard them talk, laugh and whistle. I cannot now give you the particulars, but saw much of interest. Army affairs on a grand scale and no mistake. Am very glad I went. Last night I slept, or tried to sleep, at Falmouth, a mile or so above Fredericksburg but on this side of the river. There were five of us in a small room and only two beds, all strangers, some of them suspicious characters and rebels. Nothing to eat for the two days but some cheese and headcheese; weather rainy and bad."

The ravages of war were everywhere visible, but I saw no fighting. Burnside made a futile attempt, about that time, to cross the Rappahannock lower down, but no great commotion resulted. He was repulsed and fell back with considerable loss. The battle of Chancellorsville, in which Stonewall Jackson lost his life, followed a little later.

While in Washington at this time I saw the Supreme Court in session; Chief Justice Taney presiding. He seemed extremely old and decrepit. He was very thin, little more than a skeleton. His voice was weak and tremulous. I wrote home some impressions at the time but they were palpably incorrect in several paticulars as will be perceived:

"Last night I was at the President's Levee, saw many of the dignitaries. Have looked in on both branches of Congress, and am now impressed that our great men are few and far between. A few minutes ago I saw Burnside and at first view was satisfied of his incompetency to command the army. He is noticeable for the smallness of his head. It is strange that our President and others have so little perception of character. Lincoln is a good natured Westerner. Most of the timber in our political fabric is softwood. I expected much more of Washington, am surprised by everything. The public buildings are grand, but nothing else. . . . . It is all war here, half the people are in uniform and the streets are full of army trappings, teams, soldiers marching, etc. I have not seen Mr. Seward yet, though I have heard he supposed I called when he was out. I have seen much since I have been here and many people, but not many that I was acquainted with.

"I shall come back across the Plains and shall start as near the first of April as possible. Mr. Phelps, M. C. is to lend me a huge bear skin overcoat in which I can ride comfortably. All our Senators are very kind, our old neighbor, Mr. Latham, particularly so. Washington is thronged with military men, mostly young."

My impressions of Lincoln and Burnside especially were erroneous, and of public men generally of the time, as I learned by intimate association with them afterwards.

It was now near the end of winter, but still cold and inclement, especially for a Californian, nevertheless, I started on the journey overland for my home. At Atchison, Kansas, I took the stage. The most disagreeable part of the jaunt was in reaching Denver. The stage was crowded with passengers at that point, and besides, was incumbered with heavy castings for mining machinery, intended for use in the recently discovered Pike's Peak gold diggings, about which there was then no little excitement. Denver at that time was scarcely more than a stage station. It was far short of a city. From Denver quite through to Carson, Nevada, I had the stage all to myself, there being no other passenger. Most of the route was new to me and quite different from the one I had traveled in 1849. It lay around to the south end of Salt Lake and then almost directly west.

The mining region of White Pine was just then attracting attention; and quite a few people were there when we passed through.

The Indians in Nevada were now quite troublesome.

The stage preceding ours had been attacked and the driver fatally wounded. Judge Gordon N. Mott was a passenger on that stage, and when the driver was disabled the Judge took charge of the team and brought the stage to the next station in safety.

I arrived at Carson somewhat the worse for wear, having been eighteen days and nights continuously on the journey, sleeping in the stage only, and eating nothing but what was prepared by hostlers at the various stations.

CHAPTER XVIII

1863

PHELPS' LATTER — NOMINATED FOR CONGRESS — HIGBY AND SHANNON — CHANGE OF SENTIMENT — JUDGE FIELD — GENERAL BUTLER — HIS ANNOYANCES — MEN AND MONEY.

BEFORE my arrival in California this time, by overland stage, my name had been favorably mentioned in some of the papers in connection with the nomination for Congress, and I found some of my immediate personal friends more exercised over the matter than I was myself. California was not at this time divided into Congressional districts, but was entitled by her population to three members in the House, and they were to be voted for on a ticket at large throughout the State. Had the State been districted the election of members of Congress would have taken place in November 1862, but now the election was to be held, under a State law, sometime early in 1863. The nominations, of course, were to be made in a State convention.

Timothy G. Phelps was already in Congress from the portion of the State in which I then resided. His services had been acceptable, and before consenting to be a candidate myself for the place, I wrote him asking if he was to be up for re-election, and received this reply:

"REDWOOD CITY, MAY 26, 1863.

My Dear Sir: I received yours from Santa Cruz a few days since. I shall not be a candidate before the State

Convention for any office whatever. Can I do anything for you? What is the prospect of the Santa Cruz delegation for Low? Please answer at San Francisco.

Yours truly,
T. G. PHELPS.

To this I immediately replied: "As you are not to be a candidate I will be."

A convention of the supporters of Mr. Lincoln's administration met at Sacramento, and William Higby, Thomas B. Shannon and myself were named for Congress. The convention was made up rather indiscriminately of Republicans and Union Democrats, and my colleagues on the ticket belonged to the latter class. The Republicans in the convention were probably fewer in number than the Democrats, but they claimed some recognition and I was chosen. The war was then in a desperate stage of its existence, and those who had supported Mr. Lincoln at the polls, were but too willing to make any sort of concession to secure earnest support for his administration, but it was deemed advisable to name at least one of his original supporters for Congress.

Though earnest advocates of Mr. Lincoln's war policy, it was some time before my colleagues were willing to style themselves Republicans. They preferred, for reasons best appreciated by themselves, to be called Union Democrats.

During the limited time that elapsed between the nominations and the election, M. Shannon and myself, according to custom, visited in company, on an electioneering tour, the central and more populous portions of the State, going so far south as Visalia, but no further for want of time. The war had now so far progressed, and public feeling on the subject had become so intense, that any expression of disloyal sentiment was seldom heard. An open avowal of disloyalty to the Union had become about as perilous as had been the expression of Abolition sentiment but a few years before. In fact, a great revolution in public feeling in reference to slavery had been wrought by the war, a war too, inaugurated for its propagation. It was perhaps on account of my known stand on that question in the past, that I received the largest vote of anyone on the ticket, and, I presume the largest vote ever cast for a member of Congress; as I remember, it was 64,985 votes. The whole ticket was triumphantly elected. We were no longer called Black Republicans and Nigger Worshippers. Many, though Republican at heart, had been deterred from coming among us, in dread of these appellations; but such now joined us with alacrity. Union Democrats of distinction, like Judge Field, afterwards of the United States Supreme Court, were heard to sing the praises of John Brown with commendable zeal.

The appeal of our opponents in this election was for peace, but no one presumed to advocate resistance to the administration of Mr. Lincoln. A number of the leaders had gone to join the army of Jeff Davis, and those who remained behind were duly conservative in their contentions.

Mr. Higby, one of my colleagues, was the oldest member of the delegation. He hailed from the mining section of the State. Carrying on mining operations, he had at the same time practiced law, and for years was District Attorney of his County. Mr. Higby was an intensely earnest man and as good as he was earnest. He might have been thought stubborn in maintaining his views, and uncomprising in his sense of right. He being a Democrat and I a Republican, we had never been in political association until both were nominated by the same convention for Congress. Though little known to each other, we became thoroughly acquainted and remained the warmest of friends ever after. In Congress we always agreed, and I am sure the Lincoln Administration had not a more sincere supporter than William Higby. Extremely zealous in the advocacy of his political opinions, he was equally pronounced in condemnation of whatever he believed to be wrong. He was especially bitter towards the leaders of the rebellion. His love of the Union amounted to enthusiasm and his courage in expressing it was never wanting. His service in the House continued for three terms, and no man ever served his country with greater fidelity.

Thomas B. Shannon, my other colleague, was also from the mining region of the State. Though a Democrat, like Mr. Higby, he was more of a partizan, but always earnest and faithful in sustaining the Lincoln Government. He took a less active part in the debates than either Mr. Higby or myself; but never failed to vote and to vote right. We occupied adjoining seats in the House, and our consultations on pending questions were free and frequent. Mr. Shannon was of a more jovial disposition than Mr. Higby; in this they differed somewhat, but not so much in other respects. In matters of great public concern, such as often arose in those days, no one was likely to be more serious than Mr. Shannon. He afterwards served acceptably for a long time as Surveyer of the Port of San Francisco. He died there a few years ago, lamented by many friends.

I came East that year a little in advance of the meeting of Congress in order that I might have time to visit friends in the army before the session began. Fortress Monroe was my first point for that purpose. General Butler was in command there and had his headquarters in the Fort. My brother George was Inspector General on his staff. The military operations in that quarter were pointed out, and viewed by me with intense interest. General Butler was exceedingly cordial. He was heart and soul absorbed in the war. Nothing short of the absolute suppression of the rebellion would at all have satisfied him. He was among the most earnest and determined men of the period. Jefferson Davis was his *bete noir*. He and Davis had been long-time and intimate political associates in the Democratic party, and the friendship then formed was now, on Butler's part, turned into the most unrestrained hatred.

I afterwards became more intimately acquainted with General Butler as a member of Congress, while I was serving in the Senate. We had much to do in common during the period of reconstruction of the seceded States. The knowledge gained by him of the leaders of the rebellion by party affiliation with them in the years preceding the war, as well as from his experience with them during the conflict, was of much value in the business of restoring the Union. Butler was a man of remarkable shrewdness, and at the same time generous in his judgment of human character. His opinions on all political questions were his own, and he never lacked the courage to assert his convictions. If more of a general in politics than in war, his experience in the former was greater. The tactics and strategy in the two are by no means the same, and he was more familiar with the management of a party than of an army. Successful warfare depends largely upon surprising the enemy; in politics more confidence is required and General Butler perhaps carried this too much into his military life. While his career as a soldier may not have been Napoleonic, many of his suggestions for the campaigns were highly meritorious. What he did was more a subject of criticism than what he proposed to do. Some of his plans, for which he received less than his share of credit, were adopted and carried out by others with success. A single mishap, like that at Fort Fisher, will sometimes offset a multitude of virtues and attract more attention than many triumphs. One thoughtless act in a person's career will often becloud his reputation for life. The remark of Captain Cadmus, a friend in my boyhood days, is in point. "Once a Captain," said he, "always a Captain; once a thief always a thief."

General Butler's patriotic zeal in whatever pertained to the welfare of this great Republic, deserves to be cherished in the memory of his grateful countrymen when his mistakes of judgment, if any, are forgotten. It has been said by those who should know, that the fiasco at Fort Fisher was attributed to a failure of cooperation, where he had a right to expect it, and that some others of his military movements, whether wise or not, were thwarted, or greatly impeded by the unlooked for counter movements of Generals Baldy Smith and Gilmore, who were regular army officers, while General Butler, their superior in command, was only a volunteer. It is an authenticated fact that just before the investment of Petersburg, General Butler's cavalry penetrated the city even to Bolingbroke Street and remained there in possession the greater part of an afternoon, when they were withdrawn by order of General Smith. It hardly admits of a doubt that the town might have been kept under our flag at that time and the long siege been avoided. On the following day the place was occupied by the Confederates, who came pouring down from Richmond in large numbers.

At the time of this my second visit to the front during the war, a change of sentiment in the army, as in the country at large, was clearly observable. Several great battles, within the year past, had been fought, and with varying results. The tide of battle had frequently changed, and the war was waged on both sides with great vigor, and not by either without hope of final success. Public affairs had taken on a serious aspect; in fact the world was looking on with bated breath and with many apprehensions as to the final result of the great contest.

On my return to Washington the only thing talked about, or even thought of, was the war. Men and money and how to obtain them, were the all absorbing topics. The tension was fearful. Charges of incompetency in the management of our military operations were outspoken, and dissatisfaction was quite prevalent, extending even to many of the staunchest friends of the administration. Persons of other times will find difficulty in comprehending the perplexities and annoyances encountered in the Great Civil War.

CHAPTER XIX

1863

GETTYSBURG — BATTLE GROUND — RELICS — EDWARD EVERETT — LINCOLN'S SPEECH — LINCOLN'S CABINET — SEWARD — CHASE — CAMERON — FESSENDEN — STANTON — BLAIR — BATES — A LINCOLN ANECDOTE.

It was doubtless with a desire to increase enthusiasm in the army and to strengthen public confidence in our military operations, that a plan to celebrate the dedication of a portion of the great battlefield at Gettysburg as a burying place for the soldiers, was proposed, and considerable preparation was made in Washington for that event. On my arrival there from Fortress Monroe, I found many of the public functionaries, including the President, were getting ready to join in the ceremonies, and as I had but recently been elected to Congress I was urged by Edward Macpherson, member of Congress from Pennsylvania, and others to wait over and join in the excursion.

We started by rail on the morning of the ninth of November, but owing to the use of the track by military trains, which always claim the right-of-way, failed to get through on time. We were delayed for hours at Hanover Junction and only arrived at Gettysburg towards evening, Gettysburg was a much smaller town than I expected to find. It had now become one of the most famous villages in all the world, but its fame depended not on its own inhabitants. It had the good or ill fortune, like Waterloo, to be near the scene of one of the bloodiest battles of which history gives any account. Mr. Lincoln stopped with the mayor of the town. With some others I was quartered at the hospitable residence of Mr. Fahnestock, a banker, whose name a little later was often mentioned in connection with that of Jay Cooke in handling, for the Treasury Department, the finances of the government. At this house we were entertained right royally until our departure for Washington.

The next day, the tenth of November, was the time fixed upon for the dedication ceremonies. In the morning we were driven in carriages to many different parts of the battle field, but not to all, for the fighting during the three days of its continuance, and by reason of attempted flank movements, spread over miles in extent. The battle of Gettysburg in fact was not merely one, but a series of many hard fought engagements.

Four months had elapsed since the great struggle, but still scattered upon the ground in many places were observed evidences of the deadly strife; such as fragments of soldiers' uniforms, caps, shoes, pieces of harness, of gun-carriages and other signs, on the broken ground, where many had fallen. At points where the fighting had taken place in thickets of small timber, the trees were terribly cut and riddled with bullets and cannon balls, none were left unscathed. How human beings could have escaped at all under such fearful fusillades as occurred, was then and is still a mystery. The evidence was overwhelming that Gettysburg was one of the most desperate of battles, but then it was a case of Greek meeting Greek. Most of the missiles, fragments of arms and accoutrements of various kinds left on the field after the battle, had been gathered up by memento hunters and some of them put on sale in the town.

The small portion of the battle field selected for the burying ground of the soldiers, was near, or it might be said, was in the village, and many had already found a final resting place there.

Though at an inclement season of the year, the preparations for the dedicatory services consisted of only a plank platform, thirty or forty feet square, raised three or four feet above the ground. It was out in the open air without any covering or canopy whatever, other than the heavens above. The platform was occupied by persons sitting, but many of the multitude assembled for the occasion were left standing. The gathering was not remarkably large, though all the population of Gettysburg had that afternoon turned out to participate in the celebration. It doubtless seemed to them a tame affair compared with the great event which these ceremonies were intended to commemorate.

Edward Everett, orator of the day, selected for that duty by reason of his reputation for learning, and known as a public speaker, first addressed the assemblage. On this occasion he had before him on the platform a slender book-rest to hold his notes. I have a recollection that his oration was read from printed slips, when referred to at all, which rarely occurred. His speech was quite long, but having conned it well he knew it almost by heart. It was, of course, able and interesting, consuming in its delivery more than an hour. Doubtless it seemed the longer because of the overcast and cheerless condition of the atmosphere on that raw autumn day.

The band played a patriotic air after Mr. Everett had finished, and then Mr. Lincoln arose, and laying aside his cloak, delivered his celebrated address. It was listened to, I need not say, with the greatest attention, as indeed was everything Mr. Lincoln said on any occasion, but no one at the time regarded it as anything very unusual. It seemed like a rehearsal of a few well-known facts, told in Mr. Lincoln's inimitable style, but without new or startling ideas. It may well be supposed from the solemnity of the occasion, that he was earnest and impressive in its delivery. Weighed down, as he evidently was, by the awful responsibility resting upon him as the head of the nation, he was fairly pathetic in his utterances. There was an impression that his remarks were cut short by his emotions. Certain it is that his speech was much shorter than was expected. In that respect it was disappointing. If other reasons were sought for its brevity, they might be found in the extreme length of the precedent address, coupled with the inhospitable character of the weather. I was sitting within a few feet of Mr. Lincoln at the time, but am unable to say now whether he referred to notes or manuscript when speaking, or not. I am sure, however, that he did not read much of what he said, nor use the stand in front of him at all. The impression created was that the address was impromptu, or at least, the result of but little reflection. It seemed to me to be the very least in length, or substance, that might be expected from the President of the United States on such an occasion. It was a solemn time and silence prevailed, when Mr. Lincoln, with some hesitation, in a clear voice, began:

"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that the nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note or long remember what we say here, but it can never forget what they did here. It is for us, the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth."

As a member of Congress and the only Republican member from my state in either House, and the California member of the National Committee, I was naturally brought in close relations with Mr. Lincoln and several members of his cabinet. The newness of the party and the extreme stringency of the times growing out of the war, contributed to the same end. My relations with Governor Seward, owing to our former acquaintance, and more recent correspondence, were of course cordial and so continued, with but slight interruption, as long as he lived. The only interruption grew out of the impeachment trial of Andrew Johnson. Seward was a member of Johnson's Cabinet and an extremely warm friend of the President. My vote for the impeachment displeased Mr. Seward, but did not long interrupt his friendship. I never said as much to Mr. Seward, but I believe the impeachment proceedings against Johnson were ill-advised, but when once entered upon had to be carried through. It was a case of taking the wolf by the ears.

Salmon P. Chase, Secretary of the Treasury, was physically a large man and especially noticeable for his dignity and polished manners. A peculiar slip in his speech rather added to than detracted from the impressiveness of his utterances. His self-possession and cordiality were as observable in official intercourse as in social life. But for his uniform politeness, he might at times have been though a little aristocratic. He enjoyed and deserved the esteem of those who knew him best, and was well entitled to the favorable opinion he may have entertained of himself. Mr. Chase was possibly the ablest head of the Treasury Department we have ever had, not excepting Robert Morris, who held the office under similar circumstances. Had his financial plans been carried out the people at large rather than the money changers, would have enjoyed the benefits arising from the numerous changes in the currency. His faith in the resources and credit of the country was unbounded, and the value of United States notes could not be successfully tampered with by speculators under his administration of the department.

But Mr. Chase was ambitious; if too much so, that was probably his greatest fault. Not satisfied with the Chief Justiceship, to which he had been promoted, he sought the Presidency, and was sorely disappointed that the people failed to second his ambition. His daughter Kate, was even more soliticious on the subject than her father. She was beautiful and accomplished. The two constituted the family, Kate's mother having died when she was quite young. The affection of the father and daughter for each other was intense, and doubtless contributed in no small degree to their ambition to control the Presidency.

On the transfer of Secretary Chase to the Supreme Court Bench, he was succeeded in the Treasury Department by Wm. Pitt Fessenden, of Maine. Mr. Fessenden was a tall slender man, with an apparently feeble constitution. He was remarkably impressive in demeanor on all occasions, and will take rank among the foremost of American statesmen. As a wise legislator he had few equals and no superior. While not obtrusive, he never hesitated in the discharge of duty. There was nothing like deceitfulness about the man, being as far removed as possible from the taint of Machiavelism. He administered the office of Secretary of the Treasury in a very perilous period with marvelous success. He afterwards served in the Senate, where I learned more thoroughly to appreciate him.

Edwin M. Stanton, Secretary of War, during nearly all of Mr. Lincoln's time, succeeded Simon Cameron, who was made minister to St. Petersburg when Mr. Stanton took his place in the Department. Simon Cameron was one of the notable men of the period. He impressed one as a man of candor and sterling integrity, and such was his reputation among those who knew him best. In his appearance and manners Mr. Cameron was well calculated to exercise great influence over others, and he did control the politics of his state for many years. This he could hardly have done had he been underserving of public confidence. The great Union League of Philadelphia, comprising among its members many of the most worthy men of that city and of the state, stood faithfully by Mr. Cameron. It was not his good fortune to escape entirely the breath of calumny, but that was less heeded at home than abroad. He was possessed of considerable wealth and some evil-minded persons surmised that he might have accumulated it in the course of his political life, but in the Senate, where I knew him, he informed me that many years before he had purchased land in Pennsylvania at twenty-five cents an acre which proved to be very valuable for the coal it contained.

Mr. Stanton was a compactly built man, capable of great endurance, and surely it required a person of the utmost strength, physical and mental, to perform the labor of the War Department during the civil war. But Mr. Stanton was equal to the emergency. He was never found wanting; was at his post day and night, and always busy; often moving from place to place in the narrow quarters of the department. His work was done standing; writing at a high desk; he found little time to sit or converse on other subjects than military affairs. Only with some of the numerous subordinates in his department was he at all brusk. He had been a hard worker when engaged as a lawyer in the investigation of Spanish land grants in California, and harder work now devolved upon him to look after the army and supervise military operations over this wide country. But human endurance has its limits. Mr. Stanton literally wore himself out in the service of his country. He gave up the fight not long after the war was over.

Gideon Welles of Connecticut, was Secretary of the Navy, succeeding Governor Toucey of the same state, who held the office under Buchanan. Welles deffered greatly from the Secretary of War. He was an older man by many years, and was leisurely in his habits. If there was anything impressive about Mr. Welles, it was an apparent air of dignity. The business in his department, not so extensive as in other departments, was largely in the hands of his First Assistant, Captain Fox. But the the Secretary himself, when occasion required, would take his turn at the wheel. His solicitude was to keep the ship of state off the rocks and away from a lee shore. He was cautious in the expression of an opinion as well as in action, and never hasty to commit himself on any proposition. He was a careful Secretary, but hardly too careful for the times.

Montgomery Blair, the Postmaster General, was more genial, courteous and confiding. He was the right man in the right place. The postal service had been fearfully disorganized by the rebellion, and it required a person of Mr. Blair's genius to put things to rights again. He was a a tall, spare man, more so than his aged father, Francis P. Blair, Sr., then still a resident of Washington and who was so conspicuous back in the days of Andrew Jackson. Montgomery was by no means so taciturn as his brother, Frank, Jr., who acquired distinction in the army and entered Congress during the last session of the 38th Congress. The Blairs, being from the South, were better informed touching the wiles of the chief conspirators than others, unless we except:

Edward Bates of Missouri, the Attorney General, who was in many respects a marvelous character. He might have been termed an old time gentleman, but without the airs thought to pertain to men of that class. He was fairly childlike in his simplicity, always social and courteous and full of intelligence. His companionship was likely to be sought, never declined. Though from a slave state, he took a philosophic rather than a business view of slavery and was among the earliest Republicans, which brought him in disfavor with a large class, not only in his own city, but throughout the South. But he was fearless in the expression of his views on all proper occasions, though he was not a person to intrude them upon anybody. He was fonder of talking on promiscuous subjects than lawyers usually are. He had long practiced his profession in St. Louis, but, I judge, was modest in fixing a value upon his services, for speaking of the large fees obtained by some San Francisco attorneys, he remarked one day that he had never in all his practice received a fee that could be represented by four figures; meaning thereby that he had never received in a case as much as a thousand dollars. Edward Bates made an able and reliable, but possibly not laborious Attorney General. He was superseded late in 1864 by James Speed, of Kentucky.

John P. Usher was Mr. Lincoln's Secretary of the Interior. He entered upon his duties early in 1863, succeeding Caleb Smith, also of Indiana, who occupied the office only a short time. Mr. Usher was another of the large men of Lincoln's Cabinet; was rather phlegmatic than sanguine in temperament, but was an industrious and faithful Seceratry. He had the demeanor of a politician and impressed one with the notion that his appointment might have been induced by his party services. But Mr. Usher was more than a politician; he was a patriot in the broadest sense. In this appointment as in others was demonstrated the wisdom of Mr. Lincoln in the employment of agencies for administering the government.

Everything that wicked ingenuity could devise had been adopted by the preceding adminstration to embarrass Mr. Lincoln's rule and destroy its efficiency; but never before nor since has the government been better equipped for accomplishing its legitimate purposes than under Mr. Lincoln when, in the brief space of time following the inauguration, it was got in working order.

The time covered by these observations was the last two years of the war and of Mr. Lincoln's first Presidential term. There may have been some traits of character in Mr. Lincoln not so well understood. Many infer from his exceedingly kind disposition that he was less firm than he ought to have been. That notion was prevalent at times, especially in Congress, but the truth was, that in whatever Mr. Lincoln believed to be right he was as immovable as the rock of ages. He was never demonstrative in the assertion of his opinions, but was anxious to bring persons of influence over to "his way of thinking." He was argumentative, but not dictatorial, in the way of asking others to accept his conclusions. And he was not slow in making up his mind on a question; he thought rapidly and reasoned out a proposition before dismissing it from his mind. He never appeared to be too firmly set in his convictions, and I have no doubt he would readily have acknowledged himself wrong in any case if the wrong could be made to appear. In other words he was not at all pragmatical nor offensively opinionated. It was evident, above all, that he had cultivated self-reliance to a remarkable degree; but, strange to say, he never exhibited any, the least, pride of opinion nor gave evidence that there was anything unusual in his beliefs. One always felt at liberty and without embarrassment to question Mr.

Lincoln's conclusions, but he was not expected to change his mind unless his misapprehension could be clearly shown. It is well known that he was quite in the habit of fortifying an argument by relating an anecdote, tending to carry conviction, or to shut off further discussion. So far as I can remember his anecdotes were never without a purpose. If intended to amuse, they were equally calculated to convince.

He successfully met the importunity of Mr. Shannon and myself for some appointment by relating:

"That in early times there were only three churches in Springfield, the Methodist, Presbyterian and Baptist, all orthodox, when suddenly there came along a smart young Universalist minister and began to preach with a view to establish a church of his own. This alarmed the orthodox preachers, and they consulted together to see what should be done about it. Their conclusion was to take turns and preach the intruder down. It fell to the lot of the Presbyterian dominie to preach the first sermon, and he began by reminding his hearers how happily they were getting along in Springfield, spiritually and otherwise. 'And now,' he said, 'there comes among us a stranger, to establish a church on the belief that all men are to be saved, but my brethren let us hope for better things.'"

CHAPTER XX

1863—'64

THIRTY-EIGHTH CONGRESS — THAD STEVENS — HENRY WINTER DAVIS — COLFAX — COMMITTEES — CHINA MAIL BILL — BLAINE — PACIFIC RAILROAD — HUNTINGTON — CENTRAL PACIFIC — CROCKER'S LETTER.

THE 38th Congress met early in December 1863. The first business in the House of Representatives was the assignment of seats to the members. This was done by lot. As one's name was drawn from the box he was expected to select his seat from those not already taken. The members belonging to the administration party going to the left of the Speaker's desk, and the opposition to the right. The seats to the left were nearly all taken, while on the right many were vacant. Virginia, Alabama, Mississippi, Lousiana, Georgia, North Carolina, South Carolina, Tennessee, Arkansas, Florida, and Texas, eleven states, were unrepresented and remained so for the Thirty-eighth Congress, with the partial exception growing out of the action of the western part of Virginia; which becoming organized as a state by itself, was admitted to representation for the second session of that Congress.

The venerable and distinguished leader of the Republicans, Thaddeus Stevens of Pennsylvania, being physically disabled and also infirm from age was, on motion of Elihu Washburne, accorded the first choice of seats, but promptly declined the proffered courtesy.

Next but one on my left was the desk of Henry Winter Davis of Baltimore, a boyish looking man, but the most eloquent member of the body. He did not live to see the end of the rebellion, but no one displayed better judgment, or more patriotism in dealing with the complicated questions arising out of the mighty conflict. At times he sharply criticised the policy of the administration for its leniency towards the guilty authors of the rebellion, but in this Mr. Davis had the concurrence of many of his associates in the House, for beyond question Mr. Lincoln was at times too tenderhearted. He was inclined to avoid harsh measures with the enemy whenever it was possible.

In that Congress were Blaine, Garfield, Conkling, Windom, E. B. Washburne, and Donnelly, the last two conspicuous for their belligerency and many wordy conflicts on the floor of the House. There were also Geo. W. Julian, Wm. D. Kelly, Allison, Schenck, Cresswell, Fenton, Boutwell, Schofield, Kasson, Holman, Pendleton, Randall, Jim Brooks and Fernando Wood, both from New York City, and of doubtful loyalty, Dan Vorhees, Brutus Clay, Oakes Ames, Justin S. Morrill, Sam Cox, Bingham, Thad Stevens, Colfax and quite a number of others who in after years were frequently heard of in connection with the political and business achievements of the country.

The first duty of importance at the commencement of the session was the election of a speaker. Sam Randall, of Pennsylvania, received the Democratic votes, but Schuyler Colfax was elected by a large majority.

The first business devolving upon the Speaker was the appointment of the standing Committees. Many of the designations, and particularly the chairmanships, may have been concluded upon before the election of Speaker, but to fill up the various committees with men suitable in taste and qualifications was no inconsiderable task. Mr. Colfax being wonderfully adroit and a man of great activity in every way, got through with the duty without much delay and in a manner to give general satisfaction.

My assignments were to the Committee on Post Offices and Post Roads, and to the Select Committee on the Pacific Railroad. These assignments were made without any suggestion on my part, but were eminently agreeable to me. John B. Alley was chairman of the former Committee and Thaddeus Stevens of the latter.

Mr. Colfax had long been prominent before the country, in fact was one of the most conspicuous members of the Republican National organization. Though young in years he was old as a Congressman, having served four terms already, and delivered speeches which had attracted attention throughout the country, but he had not before been chosen Speaker. Personally Mr. Colfax was exceedingly affable. He readily won the heart of persons making his acquaintance, and was quite sure to retain the friendship, even of those whom he failed to favor in the administration of his office. The post of presiding officer over the House of Representatives was one of many difficulties, but Mr. Colfax was equal to the occasion.

In the Senate the committees are arranged by the body itself, or rather, by the dominant party in that body; but in the House this duty falls upon the Speaker alone. The House is the more turbulent body; and its sessions in the 38th of Congress were sometimes stormy to a degree. Its debates occasionally disclosed animosity that could only have been engendered by a great civil war. But Mr. Colfax held the reins with a steady hand and prevented unwonted or unseemly disturbances.

What was accomplished in the open House is a matter of record in the Congressional Globe, a daily publication of all the proceedings of the two Houses of Congress, and therefore calling less for notice here than what occurred in Committees, of which no record is published.

Our foreign commerce was then almost entirely swept from the high seas by British cruisers flying the Confederate flag, and it was a problem with Congress how to recover this lost commerce. To this my attention had been drawn on different voyages to and from California. From intelligent commanders of steamships, some of whom had belonged to the United States Navy, I obtained information that was afterwards available in the discussions in Congress. My voyages having been always by way of Panama and partly tropical, I could not but notice the great advantage to foreign commerce of speed in transmitting intelligence. Rapidity of communication is vital. The nation that first ascertains the wants of another will be foremost in supplying such wants, and naturally control its commerce. Hence facility of intercourse is the first thing to consider in seeking the trade of a country.

From our favorable situation on the Pacific Ocean, in reference to the populous empires of China and Japan, it seemed but right that we should enjoy the chief benefit of trade with them, and accordingly I, as a member of the Postal Committee, presented and advocated a bill to establish mail steamship service between this country and China, in which I was warmly seconded by Mr. Blaine, of the same Committee. It will be remembered that in those days there were no cables or telegraphs connecting us with the Orient, and but rarely a steamship was seen on either the Pacific or the Indian Oceans.

My bill having been referred to the Committee on Post Offices and Post Roads, was approved by the Committee, and I, as its author, should have been permitted to report it back to the House; but Mr. Alley, the chairman, kept possession of the bill, and in disregard of the usual courtesy towards its author, reported it himself, thereby incurring the warm displeasure of Mr. Blaine.

From the Globe of Feb. 15, 1865, I quote: "Mr. Alley, Chairman of the Committee on the Post Offices and Post Roads, having reported back the bill to authorize ocean mail steamship service between the United States and China and Japan, after explaining the same said:

"'I now yield the floor to the gentleman from California, (Mr. Cole,) my colleague on the committee, who first introduced this measure, and who has been unwearied in his exertions to get it through.'"

Being new at the bellows, and not familiar with the prerogatives of members, I paid little heed to the supposed discourtesy, and was content to make my speech in support of the measure; but I hardly ever met Mr. Blaine in after years without his alluding to the incident and in terms of disapproval of the action of the chairman. This is a matter of little moment, but it shows the keen sense of justice of Jas. G. Blaine.

I made what might be called a statistical speech on the bill, but owing to the depressed condition of the Country's finances, the war not being yet ended, it failed to become a law until sometime later.

The long considered and much talked of project of a Pacific Railroad came up for consideration early in the Thirty-eighth Congress. The bill on the subject that had become a law during the preceding Congress was found to be defective in many particulars and impracticable. Amendments to that law were deemed indispensable to the prosecution of that great enterprise. The work of building the road had devolved upon the Republican party. The war, instead of impeding, added arguments in favor of its early completion, as the railroad was now deemed desirable in a military point of view, and not less so, to unite more firmly our Pacific coast possessions with the Atlantic States.

The people in the past had appealed in vain to other parties in power for a Pacific Railroad. Under the pressure of popular demand, several ineffectual movements had been made towards selecting a practicable route, and the thirteen large and costly volumes of Pacific Railroad Surveys, already alluded to, had been published;

possibly more for distribution among politicians, than as guides for the construction of the railroad.

To make the Law of the previous Congress practical by proper modifications, was now the task of the Thirty-eighth Congress. Thaddeus Stevens, as already stated, was Chairman of the Committee having the matter in charge, and it was my good fortune to be always on excellent terms with that remarkable man. In committee my views upon questions coming up were generally the first asked by the chairman. The reason for this undoubtedly was the fact of my being the only member of the Committee who had traveled more than once, or at all, across the Plains, and who was, therefore, presumed to be somewhat familiar with the country through which the road must run. Mr. Stevens was extremely anxious to learn as much as possible about the interior of the Continent and about the Pacific Coast, and it afforded me much pleasure to communicate to him what I knew about them. It is not too much to say, that I had my own way in that Committee.

Better overland communication, by reason of the war, being rendered extremely desirable, everybody was clamorous for the railroad; consequently it was deemed advisable for Congress to encourage its builders by doubling the land grants to the companies, and to allow them to issue their own first mortgage bonds to an amount equal to the Government bonds, such bonds to take precedence of the Government bonds and to constitute a first lien upon the roads. These, and some twenty other amendments and provisions, were added to the original law, rendering it eminently practical and as free from obstructions as the builders of the road could desire. After this the work was prosecuted with unexampled energy.

During the pendency of this legislation, C. P. Huntington spent much of his time in Washington. Many of the amendments were suggested by him, and it gave me much satisfaction to forward his views. In former years in Sacramento we had been in close political fellowship, besides, as already stated, I had been associated with him and others in the organization of the Central Pacific Railroad Company. How far these facts may have gone to augment my zeal, I am now unable to say; but I had already parted with my holdings in the concern.

W. W. Morrow, the present distinguished Judge of the Ninth Circuit Court of the United States, was in those days a young clerk in the Treasury Department. He spent many of his evenings that winter at my house in Washington, and volunteered assistance in and about the voluminous work that fell to my lot. Members of Congress in those days were not provided by law, as now, with clerical assistance. Mr. Morrow aided me and at the same time rendered service to Mr. Huntington, who also was at my house frequently while Pacific Railroad measures were pending.

The commotion that sprang up afterwards in Congress and out about the Credit Mobilier operations, grew out of the action of this committee in that Congress. It concerned the people of the Union Pacific Company alone, and not at all the Central Pacific builders. The reprehensible character of the scheme was owing more to the use made of it than to the scheme itself.

The managers of the Central Pacific carried on their operations, after the passage of the amendments referred to, in the name of the "Contract and Finance Company," a device not essentially unlike the Credit Mobilier scheme, and through which they managed to reap far more advantage personally than was gained by the Union Pacific men through the Credit Mobilier. It was charged, with how much truth I never sought to ascertain, that Credit Mobilier stock was used to influence legislation. No charge of a like nature was ever brought against the Central

Pacific Company, nor, so far as I knew, was there ever any ground for it.

An earnest advocate of the Central Pacific, besides myself, was John B. Steele, also of the Committee, representing the district in New York in which Mr. Huntington had lived prior to his emigration to California. Mr. Steele was a man of excellent judgment and exerted a wide influence, especially with the large delegation from his own State. He and Mr. Huntington were devoted friends.

The difficulties encountered by the California Company at the start were numerous, and some of them almost insurmountable. It was a constant struggle with them to provide the needed funds to carry on their operations. They sought and obtained limited assistance from the State, from several counties and from the City and County of San Francisco, but such aid was inadequate, hence their appeal to the more powerful General Government.

The Company suffered not a little embarrassment from the active opposition of rival railroad organizations, and from express companies, especially from the Wells, Fargo Company. They were opposed also by telegraph companies, by stage companies and by steamboat lines, having mail contracts, and fearing competition. These were mostly in the hands of political opponents of Mr. Lincoln, who had obtained contracts and franchises from previous administrations. Some of these men were yet in warm sympathy with the Secession movement, and still entertained a hope that the rebellion might prove successful. There was unmistakeable exultation at times by not a few in California over any advantage that might be gained by Robert E. Lee, and corresponding depression when he met with reverses.

A continuation of the bounties of Government which these ultra Democrats had long enjoyed depended, as they could plainly see, upon the defeat of the Union cause. Whether open Secessionists, or silent sympathizers with Jeff Davis, they withheld their support from the Central Pacific builders, who were all pronounced Republicans and uncompromising supporters of the Lincoln Administration. Some of the press too, and conspicuously the Alta California, the oldest and for some time the ablest paper on the Coast, were loud in their denunciation of what the Alta designated as the "Dutch-Flat Swindle." and threw every obstacle in the way of the work.

The job of surmounting the Sierra Nevadas, early encountered by these resolute builders, was simply herculean, and would have discouraged men of ordinary capacity. On portions of the route the grading alone was only accomplished by the expenditure of more than a hundred thousand dollars a mile, and that too in gold, when the assistance of the Government was rendered in United States currency, then much below par. All of these things were, of course, well considered in Committee and the result was, as already stated, the adoption of the needed amendments to the law.

It is impossible to give in the scope of these recollections an adequate view of the obstacles encountered and overcome in the early days of the construction of the Central Pacific, but a little light will be thrown upon the subject by a letter received at the time from the able and worthy attorney of the Company, Judge Edwin B. Crocker, and with that letter this chapter will end.

SAC., APRIL 12-65.

Friend Cole—

Yours of 11th inst. is just recd. I hesitated when to write, not knowing but you might be on your way to Cal. But I must congratulate you on your success in getting through Congress some of the most important measures for Cal. especially that bill for the Pacific.—It has removed the great obstacles we found to our progress and we can now go on with confidence. I can assure you that we will redeem all the promises you made on us. We have now about 2000 men at work with about 300 wagons and carts and I can assure you they are moving the earth and rock rapidly. We are now on some of the heaviest work in the mountains, but so far we have been fortunate in meeting very little hard rock. You will be astonished when you come back to see the amt. of work we have done.

A large part of our force are Chinese, and they prove nearly equal to white men, in the amount of labor they perform, and are far more reliable. No danger of strikes among them. We are training them to all kinds of labor, blasting, driving horses, handling rock, as well as the pick and shovel.—We want to get a body of 2500 trained laborers, and keep them steadily at work until the road is built clear across the continent, or until we meet them coming from the other side. I tell you Cole we are in dead earnest about this R. R. and you take 6 or 8 men in real earnest, and if they have any brains and industry they will accomplish something. We are now laying track, and expect to lay 12 miles before stopping, then we shall have to wait a couple of months to get the next section of 12 miles ready for the tracklayers, and then we shall finish up 55 miles this fall—and next winter finish to Dutch Flat 15 miles further. Then a bold push for the summit, in the summer of 1866.

All this requires money and we are spending it rapidly. But railroads can't be built without it.

We all feel under great obligations to our members in Congress, but especially to you, for that passage of the amendments of last winter as well as the winter before. We can now go on with confidence.

By the way, what is the Union Co. doing on the other side. I have not heard from them for several months. I at one time thought it would be a good plan for U. S.

to send us about 5000 rebel prisoners, and let us set them at work building R. R. but I suppose they will all be let loose now. Our city is having a grand procession of military and firemen to-day over the surrender of Lee. It went off in grand style We are full of patriotism as well as *radicalism* here. I am afraid our *new* members will not be as radical as the *old*. But I must close.

Yours truly

E. B. CROCKER.

CHAPTER XXI

1864—'65

INTERNAL IMPROVEMENTS—NEW POLICY—THE CAPITOL—THE MONUMENT—GOVERNMENT BUILDINGS—CITY OF WASHINGTON—SIMONTON—SHERMAN AND WORDEN—LIEUTENANT CUSHING—RECEPTIONS—CHICAGO FIRE.

SIMULTANEOUSLY with the accession of the Republican party to power in the United States, an entirely new policy in reference to internal improvements was inaugurated. Before that, and practically from the foundation of the government, and under different party administrations, there had been exhibited, on many occasions, and often by statesman of great influence, an almost insane hostility towards public works of a national character. State sovereignty and State independence were invoked on all occasions to defeat, or retard, every undertaking that might tend to strengthen the General Government, or to cement the federation of the States. Even the brilliant victories achieved by our land and naval forces in early times, often against great odds, frequently failed to arouse a spirit of national pride. Arguments in favor of State Rights were heard everywhere, and the Kentucky and Virginia Resolutions of 1789 were constantly evoked and given more weight in Congresssional debates than the Declaration of Independence or the Constitution. Of course, slavery and the safety of slave property, was at the bottom of all this. Slavery was regarded as exempt from all danger of disturbance under State authority, but a vague apprehension existed in the minds of the slavery propagandists that the real danger of interference with their cherished institution lay in strengthening the confederation of the States, and in conceding superior authority to the Federal Government. In this apprehension they were not far wide of the mark, for it was precisely in this way that slavery was finally abolished. They could but see in the Declaration of Independence and in the Constitution, an enunciation of the plainest principles of liberty, and to strengthen the source of such enunciations was in effect to undermine slavery; hence their opposition to whatever contributed to the power and glory of the Union. This feeling became so strong in the National Councils, and the doctrine of State rights was carried so far, that even limited accumulations of money in the Federal Treasury were apportioned among the States and squandered, instead of being used for the betterment and glory of the country at large.

All this was changed as soon as the party of Freedom assumed control and when Abraham Lincoln was called upon to pilot the ship of state. Not even the war, inaugurated for the sole purpose of destroying the Government, could deter the new party from action, or divert it from its purposes.

Early attention was given to the subject of River and Harbor improvements, but what claimed more immediate attention, because under the very eye of Congress, was the unfinished and disgraceful condition of the public buildings in and about Washington.

Scattered all about on the ground at the east front of the Capitol were large quantities of building material, including the huge iron ribs for the arch of the great dome. They had lain there long enough to become thoroughly rusty, and how long they would have remained in that place, not even the architect, in the absence of approprations to put them in place, had any means of ascertaining. Work upon that magnificent structure was immediately renewed and soon carried to completion, The Washington monument, years and years before, had been carried up to about one-third of its contemplated height and there, like a broken shaft, was permitted to stand, a monument to the imbecility, or worse, of the successors of Washington in the Government. It has since been continued to an elevation of 550 feet, one of the very highest of human structures in the world. It is now restored to its original purpose, fitly commemorative of that peerless character, the foremost man in founding the grandest of republics.

The other government buildings in Washington, like the monument, were all unfinished. That was the condition of the Treasury, the Interior Department, called the Patent Office, and the General Postoffice; they were but partially constructed. The War and Navy Departments were housed in the plainest of red brick buildings, as devoid of architectural style as a Quaker meeting-house. The Departments of State and of Law were absolutely without homes, a matter of little consequence, perhaps, as but meager consideration was then given to either, at home or abroad.

Due attention had been paid, in a former age, to convenience and beauty in the planning of these buildings, as was clearly the case with the Capitol, but they had hardly progressed far enough in construction to reveal these desirable qualities. It was but too evident that the much vaunted doctrine of State Rights had prevented very many needed improvements in and about the Capital,

The city of Washington itself at that time, like the public buildings, was in all respects crude and unfinished. As a national Capital it was a reproach. It was called in derision, "The city of Magnificent Distances," and the distance of its parts, one from another, entitled it to that designation, but without the further qualification of magnificent. Its dwellings, widely dispersed, and some of them pretentious, were without the modern conveniences.

The hotels and business houses were no better. The streets of the city were in a frightful condition. The few that had been paved with no better material than cobble stones, were so out of repair as to be worse, if possible, than those that had never been paved. Riding along Pennsylvania Avenue might well have been adopted as a means of punishment for the unruly. A little removed from, and parallel with that celebrated thoroughfare, was a great open shallow sluggish sluiceway, fifty feet or so in width, called the Canal. This was the receptacle for all the filth of the city, and was never free from sickening odors.

In the few years immediately following the war, a great change came over not merely the public buildings, but the whole city, and it was my fortune to have considerable to do in bringing it about.

When a member of the Senate Committee on Public Buildings and Grounds, I joined with Justin S. Morrill, of Vermont, the chairman, in recommending and promoting improvements of various kinds. The heavy duty of that Committee devolved upon the chairman, but, at the same time, I, as chairman of the Committee on Appropriations, was able effectively to cooperate with him. Whatever was concluded upon in his committee. requiring the expenditure of money from the Treasury, as all public works do, would be looked after in my committee and the needed appropriation made. As a result many important changes in the old buildings were effected and some new structures provided for, the most costly of which was the great granite edifice now in use by the State, the War and the Navy Departments. When the materials for that building were called for, more than forty samples of stone, from different parts of the country, were presented to the committee to choose from, and the selection was made of a fine grade of granite from quarries in Virginia.

We were able also to lend much encouragement, and not a little assistance in the great work of transforming the city of Washington carried on under the mayorality of Alexander Shepherd, a man of remarkable foresight in estimating the advantages to flow from public improvements. We soon learned to place reliance upon his judgment and integrity. But no man could possess better judgment than Senator Morrill touching the important matters that came before his committee, and no man in public life was more worthy of trust and confidence. Mr. Morrill remained at the head of the Committee on Public Buildings and Grounds of the Senate for many years and until near the end of his useful career. In later years he was chiefly instrumental in effecting the vast improvements in and about the city of Washington we see to-day, including the new Library Building. To his genius also are attributable grand public buildings in various cities. Those in New York and St. Louis, and some others, were provided for, while I yet remained a member of his committee.

It is within my recollection that in the earlier days of the Republic the press exerted a wider influence in politics than in later times. The telegraph likewise, when it first came along, was much relied upon for political party intelligence. The leading papers of the country early formed an association for the control of the press despatches. This was under the management of one person and all the papers in the combination were supplied with the telegraphic news by this agent at the same time, and on equal terms. The manager, at least so far as the California press was concerned, with headquarters in New York city, was James W. Simonton, a reliable man and clever journalist, but it was my misfortune, at one time, to incur his displeasure. The editor of a small country paper in California became piqued in some manner towards Simonton and indulged in certain imputations to the effect that I had treated Mr. Simonton with disrespect when visiting my house in Washington. There was no truth whatever in the intimation and Simonton wished me to say that much, and more, over my own name, for publication. This, without much consideration, I declined to do, not thinking I was called upon to mingle in a controversy between the two editors. But Simonton, being very sensitive, was of a different opinion and became offended at my refusal. It seemed to me I could not, with much propriety, in that public way, refute a calumny against another, when I had persistently refused to take cognizance of false and malicious slanders about myself. I might have been tempted to do so, in my own case, had I not remembered a circumstance which occurred many years before: William H. Seward, when quite a young man, was a candidate for Governor of the great State of New York. During the canvas he was assailed unmercifully, through the press, by his opponents. Some charge of malfeasance was made against him in connection with the great Holland Land Purchase in the Western part of the State, which he had managed with consummate success. The charge was so outrageously slanderous, that his law partner, Christopher Morgan, an older man, urged him to come out in the papers and deny the calumny, alleging that if it was allowed to go uncontradicted it would defeat his election. But Mr. Seward absolutely refused to follow this advice, saying, that if he answered one calumny and not the others it would be charged that he could refute only the one, and the others would be taken as confessed. He said his enemies who wanted to think ill of him would believe anything, whether denied or not. He added that any number of people could invent slanders about him, and if he undertook to reply to them all he could be kept busy at that till after the election. Time he said would correct all such wrongs and he preferred to trust to that for his vindication.

This rule of Mr. Seward's not to take public notice of aspersions upon his reputation, was always adhered to by him, and now the world has forgotten them all. His traducers likewise have been forgotten, as have those also of Mr. Simonton, I trust, who was not seriously injured by the California editor, nor by my refusal to repel an imputation which affected me as much as it did him.

But it is of the war I am writing and of the men of that eventful period.

Three brothers of mine were in the military service during the rebellion, and all remained in the army till the end of the war. A fourth brother, Gilbert, a man of fine literary taste, was United States Consul at Acapulco at the time of Maximilian's invasion of Mexico, and rendered valuable service to that republic against the invaders.

Elijah, my eldest brother, with whom I crossed the Plains in '49, was major and paymaster in the army. His duties as such lay in the Pacific States and Territories exclusively and extended over a very wide field. In traveling from place to place, to pay the troops, no inconsiderable peril was incurred. On visiting remote military posts with large amounts of money for disbursement, he was sometimes provided with a cavalry escort which, on occasions, proved indispensable. But other than apprehended difficulties were encountered. At one time, crossing the Mojave desert, the wind blew too violently, he said, to be stemmed by either man or beast; pebbles, so large, were carried in the air as to severely cut the faces of the men.

As paymaster he disbursed millions of government money and came out with even a better record than Collector Latham's. Upon the adjustment of his accounts in the Department at Washington, I wrote him as follows:

January 8, 1867.

Dear Major: I inclose a couple of certificates for your bondsmen while you were paymaster, which you can forward to them. I send also your final account as made out. The balance due you it $138.41 which I suppose has been forwarded to you. If not let me know. You will get it in the form of an order on the Sub-Treasurer, at San Francisco.

Generals Sherman and Sheridan were brave soldiers and equally able officers, but in personal appearance they differed greatly. Sherman was a tall, slender man, while Sheridan was rather short and thickset. Sherman in the days of his military activity left the impression of being a little bent, as a person is likely to become by leaning over a desk, or table, as had been his custom for years while in the banking business. His face was much furrowed and wrinkled, as from care, but his countenance bore an expression of unusual candor and confidence. Sheridan was always erect, as is generally the case with men of under size. His complexion was florid if not freckled. His face was longer than would be indicated by his stature. From his countenance alone he might have been taken for a large and tall person. Both of these generals were remarkably genial in manners and speech. Great kindness of heart marked their every action. Too much cannot be said in praise of the generalship of either.

Some doubt has been raised as to a basis of truth for the stirring poem entitled, "Sheridan's Ride." It has been said that the poet, in that case, as is usual with such people, made too heavy a draft upon his imagination; but that is not so. The ride did occur and substantially as represented. I have it from Captain David Cole, a brother of mine, who was there, and a living witness that the gallant General, on his black steed, dripping with foam, came in great haste to the front, and just in time to save the day.

As related, Sheridan had left his army in temporary command of General Emery, while he took a short run, for some purpose, down the valley. General Emery was a regular army officer of much ability, but perhaps a little too regular for the rough-and-tumble warfare in which he was engaged. The enemy learning of Sheridan's absence, made a bold dash with cavalry and drove Emery's force back in some confusion. Emery made several attempts to get his forces in order for resistance, but each time the enemy, too soon for him, would push him further; at a juncture like this, General Sheridan suddenly rode up and calling to his next in command inquired: "Emery, what are you doing?" Emery replied: "I am trying to get my men in line, Sir," Sheridan's quick and only response was: "To hell with your lines. Charge 'em." The latter part of this peremptory order was obeyed with alacrity and the tide of battle was then and there turned back. The indomitable will of Sheridan put new life in his men. The battle of Winchester was won by the prowess of one man. Napoleon himself did not possess it to a greater degree than Sheridan.

While the Franco-German war was in progress, Sheridan visited Europe and at the height of the contest was with the French army. He was of the opinion that the French forces were wofully wanting in efficient commanders. Had there been a Napoleon to lead them he said the result would have been different. He remarked, but not in the way of boasting—indeed, he would not have said it at all had he thought public use would ever be made of it—that with the French forces he could have kept the German army on the run till they reached the gates of Berlin.

Several of our most distinguished naval officers mingled freely in the social circles of Washington after the war was over. As might have been expected, they were greeted everywhere with great cordiality and were even lionized. The Admirals were not so numerous as the Generals and were less familiar sights. The most notable of them was Farragut, and next to him was Admiral Porter. These were both below the average American in stature, but neither was conspicuously small. They were not what might be called stout, but Farragut was the more so. He was a rugged looking man and had not, like Porter, a clear complexion. It was obvious that he had seen much hard sea service in his day, and he possessed in greater degree than Porter the air of a sea captain.

Porter's father, in his time, had been a high naval officer, and Farragut, when young, was a protege of his. Farragut's rapid advancement did not seem, on all occasions, to be entirely pleasing to the younger Porter; at all events, such was the talk; but it can hardly be said that Farragut, with all the glory of his achievement below New Orleans, was more of a favorite in Washington society than the urbane Porter.

Two other distinguished characters in that branch of the service were Admirals Winslow and Worden, the latter of whom was a tall man,—unusually so for a sailor. In the fight between the Monitor and the Merrimac, he received serious injuries. One of his eyes was entirely gone, and his face otherwise disfigured, besides being badly powdermarked. These injuries received while in the turret of the Monitor, dulled to some extent no doubt his social enjoyment; nevertheless, he was always a welcome guest.

Admiral Winslow was commander of the Kearsarge in the celebrated fight with Semmes of the Alabama. He was of the best type of a Yankee sea officer; always courteous, modest and unobtrusive. He was not much of the time in Washington, but was heartily greeted whenever he came.

Another naval officer, though not of high rank, is well remembered, Lieutenant Commander Cushing. He it was who, at the most imminent risk of life, blew up the confederate gunboat Albemarle. Cushing was hardly more than a stripling and bore the appearance of an unsophisticated, but not over-modest country lad. His was one of the most daring feats recorded in the annals of naval warfare; and one of such immense usefulness that it gave him great fame.

Receptions in Washington in those times, whether at the White House or in some private residence, were always attended by distinguished personages, of our own country or from abroad. Members of the diplomatic corps usually came in court dress, decorated profusely with gold lace; and much more so than our army and navy officers, who were expected to appear at such entertainments in full dress uniform. Civilians of all classes, whether officials or otherwise, were expected to come clad in the conventional evening costume. White kid-gloves were uniformly in demand, and Mr. Lincoln as well as everybody else, must be pictured as wearing them while the reception lasted, and hardly anyone required a larger pair than he. The ladies were, of course, arrayed in their gayest attire, with profuse adornments of jewels and laces.

These functions were always, in a manner, public. No cards of invitation were ever issued; they were open for all, but no one was expected to attend unless well known, or unless introduced by some one who was. A person would hardly be admitted by the ushers when not properly clad for the occasion. It is said that in the early days of the war, army officers sometimes appeared at the President's receptions without much regard to dress, even in high-top boots; but such doubtless were welcome, for less attention was then paid to any other subject than the war.

At the White House soirees the guests were expected to pay their respects first to the President and the members of his family, after which general greetings and conversation ensued. The noise of the throng, which was always large, became so confusing as to drown all other sounds save only that of music from some alcove.

Mr. Lincoln was remarkably genial and agreeable on these occasions and his good wife was not much behind him in this regard. Every guest was made to feel at ease in his presence. He seemed never to forget anyone he had ever known before. His memory of persons was quite wonderful. No one needed an introduction to him a second time. But this is not an unusual trait in men similarly placed. Mr. Blaine possessed it, and it is said of Cæsar and Napoleon that they remembered persons to an extent almost beyond belief. Mr. Lincoln could not have been much behind either in this regard, and I am sure that neither Cæsar nor Napoleon was more gracious than he in the use made of this accomplishment.

While penning this part of my observations, on the 18th of April, 1906, the great disaster by earthquake and fire to San Francisco and adjacent towns occurred, calling to memory a little experience following the great conflagration at Chicago, in 1871, tending to make good the saying that misfortunes never come single. On my way to California by railroad with my family, we had to pass through that city, which had but lately been burned. There was no Union depot at the time, and a good part of the burnt district had to be crossed in going from the end of one line of railroad to reach the other. Just at that time the entire equine motive power of the city was sidetracked by the epizootic, so that bovine power had to be called into action. Not a horse was to be seen, and all the omnibuses, hacks, carriages and other vehicles were drawn by oxen; and they were so lacking in speed that we were belated in making the transit, our party became scattered, our baggage lost, and other mishaps so speedily followed that they can never be forgotten. The good people of San Francisco had the earthquake with their fire, Chicago the epizootic with hers.

CHAPTER XXII

1864—'65

ARMING THE SLAVES—GENERAL COLE—NEGRO CAVALRY—FUGITIVE SLAVE LAW — GENL. GRANT — BATTLES OF THE WILDERNESS—NATIONAL CREDIT—STATE BANKS—U. S. NOTES — NATIONAL BANKS — SILVER COINAGE.

NOT having the Congressional Globe before me, I am a little uncertain about the date, but it must have been at the first session of that 38th Congress that the exciting subject of arming the slaves came up. I think I introduced the measure; at all events I delivered a careful speech upon the bill, taking very positive grounds in its favor, as will appear in the Globe. The slaves, as used by their rebel masters to provide subsistence supplies for their army, were quite as useful as an equal number of soldiers, and the best way to counteract this advantage of the enemy, it seemed to me, was to enlist as many of the slaves as possible in our ranks. My contention was violently opposed by members on the other side of the House and was not approved by all on my own. Much vain talk was indulged in about the barbarity of encouraging servile insurrection, of which there never was really the slightest danger, so far as our negro population was concerned. My speech, I believe, was the first in that direction, but the country was not long in coming to a recognition of the necessity, or rather, of the advisability of such a measure.

Many negroes, most of them ex-slaves, did enlist in the service of the Union, and when properly treated made excellent soldiers. My brother, General George W. Cole, while the war was in progress, organized several regiments of colored cavalry, and handled them with great effect. From him I learned that the African, under adequate training, made a most reliable trooper, and quite equal in prowess to the white boy. He said that in battle the negro was among the very bravest of men, and always fought either to conquer or to be killed. It was well understood, however, by the colored recruit, as indeed it was by his white commander, that no quarter could be expected by either from their antagonists, the late owners of the slaves.

It was after this, that the proposition came before the House, and after protracted discussion, passed, to repeal the Fugitive Slave Law. This law had been on the statute books for some fifteen years, and had presumably, more than any other single thing, been provocative of the war. The vindicators of slavery, South and North, had persistently demanded a strict observance of that law, and it was as persistently evaded by many in the North, on the ground, as alleged, that it subjected free white citizens to the ignominy of being negro-catchers, as its terms required the active cooperation and assistance of every person, when notified, to help in the capture and return of an escaping slave.

The publication of Harriet Beecher Stowe's wonderfully exciting novel, entitled Uncle Tom's Cabin, helped to arouse a strong feeling on behalf of runaway slaves, and in some instances the execution of the law met with open resistance. It was a common rumor that E. B. Crocker, at one time Judge of the Supreme Court of California, had left his native State of Indiana to avoid prosecution for assisting negroes to escape from slavery. For the truth of this story I cannot vouch, as I never interrogated him on the subject; but I can say, that while living in Sacramento Mr. Crocker was a most determined enemy of slavery. It is certain that any conduct of his like that alleged would have to be attributed to overmastering kindness of heart, and be excusable on the ground of a firm belief in the "Higher Law."

The war was confessedly one in the interest of slavery, and the repeal of the Fugitive Slave Act was its natural sequence. It passed the House by a decided majority. It was my privilege to take an active part in the movement. My old time personal friend, Samuel S. Cox, was on the opposite side, and contended long and vigorously for the law, even at that late stage of the rebellion.

During the entire time of the 38th Congress the war was in full blast, and nearly all the business before Congress related to war measures. Little else was talked about or thought of. The military operations extended over a field almost co-extensive with the country. Interest in the army movements vibrated between the east and the west, but finally centered upon the transactions in Old Virginia and Georgia.

Responsible leadership of our warlike host changed several times in the early years of the conflict, but finally settled down upon General Grant. This occurred while Congress was in session, and was brought about by the action of Congress conferring upon him the rank of Lieutenant General, thus promoting him over the head of General Halleck. There was some hesitation about supporting this movement because of the haste with which it was brought forward and urged by Grant's friends, acting under the leadership of Elihu B. Washburne, an old Galena acqaintance and ardent admirer of General Grant. Halleck, the ranking officer, a long time resident of San Francisco, was seldom at the front. He issued his orders from the Department in Washington.

Every body recognized the desirability of a better defined head for the various armies in the field, and Washburne's resolution passed by a good majority, but without my vote. This designation of General Grant as Commander-in-Chief, subordinate only to the President, proved to be an act of wisdom, in as much as the General was found to possess the requisite determination and genius to bring into cooperation the various and often widely separated branches of our military forces.

Grant assumed the command that belonged to his newly conferred rank without delay, taking the field in person. There was little complaint of the want of vigorous prosecution of the war from that time forward.

Nearly all of the bloody conflicts between Grant and Lee occurred while Congress was in session and almost within hearing of the Capital. The wounded in large numbers, fresh from the battlefield, were brought up the Potomac by boat and quartered among the twenty or more large military hospitals located in and about Washington. The long lines of ambulances every morning while the fighting was in progress, with the fresh blood trickling through the floors of the vehicles as they moved slowly along the streets, was proof enough of the sanguinary character of the conflict in which our brave boys were engaged.

Next to the anxiety for the success of the soldiers in the field was that relating to our national finances; indeed the two sources of solicitude were closely allied. The army could not be maintanied without money, and it devolved upon Congress to provide the same. At times the disquietude on this account was aroused to the highest pitch, the raising of the needed funds, on occasions, encountering almost insurmountable difficulties.

For many years prior to the rebellion the credit of the United States Government had not been first class. It may have been that the taint of repudiation that followed the revolution was still adhering to our garments. Our public debt for generations had never been of any considerable magnitude, but small as it may have been at any time our securities were quite uniformly below par. If a little Indian war rendered a small loan necessary, it could only be floated at the sacrifice of a discount. The Mexican war, which ran up our indebtedness to more than a hundred million dollars, brought us to the verge of bankruptcy. Our credit uniformly disclosed considerable tension. Beyond question this was taken into account by the instigators of the rebellion. They felt sure that the secession of a number of the States would so impair the public confidence as to render the Union insolvent. They argued that what credit the United States had was based upon their unity and without unity there could be none. Many of them confidently expected that Mr. Lincoln's administration, without funds as it was at the start, and if also without credit, must soon go to the wall. They affected to believe that under the multiplicity of embarassments they had provided for it, and chiefly for financial reasons, the North would submit to a partition without a conflict.

The monetary affairs of the country at large were, at that time, in a thoroughly chaotic condition. There was no system about it; each of the several states had its own plan of finance. The only money in circulation was paper and copper cents. Of gold and silver there was none, but of paper there was any amount and in endless variety. The country was flooded with it. Money of the state banks was of doubtful value beyond the border of the state authorizing it, and sometimes not much better at home. A large pamphlet entitled, "The Bank Note Detector," was found in every business place. This contained a list of all the banks and bank notes that could be heard of, a statement of their current value, if they had any, and if not, that fact was stated. It contained also a description of the many kinds of counterfeit bills afloat. This publication, like a market report, was issued periodically and was indispensable in all money transactions.

Not the slightest regard was paid by the states in those days to that provision of the Federal Constitution which forbids the issuance of bills of credit by the states, and which, in spirit and intendment, if not in exact terms, makes the issuance of the circulating medium of the country, of whatever kind, an exclusive function of the general government.

In the early stages of the rebellion it was seen to be necessary to reform our financial affairs and to reduce the issuance of money to some system.

Salmon P. Chase, Secretary of the Treasury, Thaddeus Stevens, Chairman of the Committee on Ways and Means of the House of Representatives, William Pitt Fessenden, of the Finance Committee of the Senate, and a few other leading financiers in Congress proposed to bring the government back to first principles, by taxing the state banks out of existence and to issue a currency based upon the credit of the General Government. Their plan was consummated by the levy of a heavy tax upon all state bank issues, and by directing the United States Treasurer to prepare for circulation in their stead, the U. S. legal tender notes, or Greenbacks.

But the money dealers throughout the country in control of the various state banks, when the proposition came up to tax their institutions to death, rigorously protested against its consummation, unless Congress would provide for their benefit some equivalent, and the National Bank Law was the result.

The country then being in the midst of the war and the raising of money for the Government's needs being involved, Congress reluctantly yielded to the exaction of the bankers, but the operation of the law authorizing the National Banks was limited to a term of twenty years.

It may be remarked here, that before the expiration of the twenty years the law was extended indefinitely, and the National Bank system, with some modifications, but all in favor of the bankers, has become, contrary to the original intention, one of the established institutions of the land. It was in its inception a war measure, adopted under the pressure of a great struggle for national existence. So far as it authorizes private corporations to issue notes to serve as part of the circulating medium, it is no less an infraction of the Constitution than were the state banks.

The organization of the National Banks proved to be something of a reliance during the rebellion. The Government was constrained to look to them from time to time, for needed funds, but they always exacted *quid pro quo*, in the form of interest bearing securities.

The person who was most active and successful in negotiating government loans from the National Banks, was himself a banker. Mr. Jay Cooke, of Philadelphia, is referred to. He was in that way of great assistance to the Secretary of the Treasury. There were also in this calling some other truly patriotic men, and without doubt the American bankers as a class were quite as public spirited as those of any other country under the sun, but moneyed men are proverbially conservative, and are so even in time of war. They are alive to their own interests, and wideawake to reap advantage from transactions with the government. It is not difficult to trace many of the vast accumulations of wealth in individual hands in these latter days, to practices inaugurated in our civil war. Money is aggressive and is likely to be overreaching. An illustration of this is found in the general movement of the great financiers of the world in those degenerate days to demonetize silver and make gold the sole standard of values, after the former had served in that capacity for thousands of years. The scheme originated in the money centers of Europe. By that movement the value of the money remaining after the elimination of silver coinage was, of course, greatly enhanced, and the value of all other property correspondingly reduced. While a member of the House of Representatives, I, like many others, inadvertently voted, in effect, for that sweeping measure by supporting a bill professedly to reorganize the mints of the United States. It was not noticed at the time that the coinage of the standard silver dollar was left out of the bill and that silver as a standard of value was thereby destroyed. That feature of the bill was not at all discussed and was not even alluded to in the House. It has been a matter of doubt whether the member having charge of the bill, Mr. Samuel Hooper, of Boston, knew the effect of that omission. It is a presumption, however, that it must have been considered in committee, or by members thereof.

The bill included a delusive provision for the coinage of a silver dollar to contain a few grains more of silver than the old dollar. This coin was intended for use in the Chinese trade and to enable us to compete with or crowd out of circulation, the Mexican dollar, so highly prized in that vast empire. The plan was a failure. Only a few of those China Trade Dollars were ever coined and they have long since passed entirely out of use. It contained four hundred and twenty grains of silver, while the old standard dollar weighed only four hundred and twelve and a half grains. By the omission referred to, the free coinage of silver ceased and gold became the sole standard value in this as in the commercial countries of Europe; a movement of very great advantage to the moneyed classes and of corresponding disadvantage to debtors and persons not possessed of gold or its equivalent.

CHAPTER XXIII

1864—'65

CITY POINT — GENL. GRANT — HIS EQUANIMITY — MASON AND SLIDELL — GRANT'S HORSES — TO PETERSBURG — ENTRENCHMENTS—SHARPSHOOTERS—MORTAR FIRING—EXTENDING THE LINES.

After the adjournment of Congress in the summer of 1864, I visited our army then in front of Petersburg. I wished to see my brother and others, then in active service, before leaving for California. Some curiosity to know personally more about our military operations may also have contributed towards my desire to go.

It must have been about the 5th of July that John H. Rice and myself took passage on a transport for Richmond or as near there as we could safely get. Mr. Rice was a member of Congress from Maine. We made a brief stop at Fortress Monroe and then proceeded up the James to City Point. The river was alive with all sorts of water craft, and at City Point it was fairly jammed with them. All the supplies for the armies operating round Petersburg and Richmond were now delivered at City Point.

The next day after leaving Washington we arrived at our place of debarkation, and proceeded to the headquarters of General Grant not many hundred yards from the landing. He was occupying a small tent with the ground for a floor, and that by no means level. The tent was pitched on a grassy slope above the river bottom, and quite by itself. It was open to communication from any direction. Its furniture consisted of a common wooden table, an old Boston rocker, and a few other cheap seats. The General was dressed very plainly and with little reference to his rank. He received us without announcement and very cordially. He was as anxious to know what was going on in Washintgon as we were to learn how he was getting along in front of Petersburg.

There were no sentries posted about his headquarters. Messengers bringing reports were arriving every little while, evidently from different parts of the front, for Petersburg was then held in close siege. These messages were always answered by the General very promptly, some without taking a seat, he standing while writing, and leaning over the table. His missives were borne away in haste by the messengers in every instance, probably to commanders of divisions or brigades. Firing was going on along some part of the front within our hearing almost all the while.

The General seemed to have all the operations on both sides in his mind's eye, and was apparently in no doubt about his answer to a message at any time. He was remarkably cool and selfpossessed, but had little to say concerning what was going on. Though not volunteering information, he answered questions without reserve. He evidently had great confidence in the final success of his plans. He knew just where the different commands were at any time and what was expected of each. He spoke in highly complimentary terms of my brother and very kindly offered to further my wishes to find him.

While we were there he conversed freely about Mr Lincoln, for whom he held the highest estimation. He spoke on many subjects outside of matters immediately before him. Among other things the seizing of the rebel emissaries, Mason and Slidell, and their removal from the British mail steamer, the Trent, and their subsequent return under the menace of England, was earnestly discussed. Grant was not pleased with their surrender, he declared he would have hanged them first and then given them up.

It may be mentioned as evidence of the General's extraordinary equanimity, under the exciting circumstances of a pending battle, or at least, during an active investment of a powerful enemy in a stronghold, that he had his army horses brought out for our inspection. He described the merits of each with precision. One, a rather undersized trim built black nag, he said had been obtained from the plantation of Jeff Davis. Another, a sorrel gelding, of fine size, was highly commended for his endurance, and the third, a splendid bay, was noted for speed.

The General seemed specially pleased to get what information I was able to give him concerning California, and related several amusing incidents of his former sojourn on the Pacific Coast, much of which, however, had been passed in Oregon. He took great interest in what the Congress just adjourned had done to sustain the war, and thought it would surely result in crushing the rebellion.

Some reports had become rife at that time of Early's movement northward through the Shenandoah Valley. The General's attention was called especially to this, but he did not then think it was threatening, or worthy of much consideration by him, as it was intended, he asserted, to divert his attention from Lee. He clearly did not suppose at that time that Early would succeed in getting so far north as Washington, or that he would cross the Potomac at all. It will be remembered that Grant, not long afterwards, thought differently, and hastily ordered forces from different points to proceed to Washington to frighten Early away, in which he succeeded, greatly to the relief of all in the National Capital.

The few miles from City Point to the front at Petersburg, were made on a flat car on which soldiers' supplies were laden. We stopped just before coming in range of the enemy's artillery, which was always seeking to meddle with that line of transportation.

One of our largest mortars was mounted on a flat car of this railroad line and proved to be a great annoyance to the enemy. It would be run forward towards the front, drop its shell where it was least wanted by the rebels, and then retreat on the rails to some point of safety. This movement was sure to call for the opening of one or more of the enemy's batteries in response, but I believe they never succeeded in dismounting "Old Thunder." This struck me as a very formidable, as well as unique mode of warfare.

On arriving at the front, I found the two armies thoroughly entrenched, holding each other, as it were, by the throat. The trenches and rifle pits at some points on the line were less than a hundred feet apart. The soldiers on either side were kept close down behind their defences by sharpshooters, posted to the rear. The appearance of a head—and sometimes it would be a false one—above the trench or rifle pit was an invitation for a bullet from some ready rifle. It was a condition of more desperate warfare than I had imagined. I had seen the lines at Fredericksburg the year before, at which time the blue and the gray were upon fairly friendly terms. They were exposed unhesitatingly within each other's range, and even talked across the narrow river Rappahannock. But at Petersburg it was entirely different. A year had wrought a wonderful change in the feeling of the soldiers on either side towards each other. They were now not merely conventional enemies, but, to all appearances, deadly foes. No opportunity to reduce the effective force of the opposition was allowed to pass by unimproved.

I had personally a little reminder of this. To get a nearer view of Petersburg, my brother and myself rode on horseback down a ravine towards the city, till we came just opposite a covered, bomb-proof lookout, situated upon the point of a promontory. To reach that place of safety for observation, it was necessary to climb up the steep bushy bank of the ravine and pass along a little open space at the top. In that movement I became the mark for sharpshooters, posted I could not tell where, but probably in some distant treetop. Their missiles as they struck the bushes at our side, made a noise not unlike that of clapping the hands. One bullet, a long one, striking the ground a little short of us stopped at my feet. When picked up it was almost too hot to handle. I brought it away in my pocket, fortunately not in my person. From our place of safety, which was reached in the small part of a minute, we witnessed much mortar firing from the other side. The shells when in line with us, or nearly so, could be as plainly seen in their flight as a balloon. While we were there one man on the outside was killed or badly wounded, and I confess to a considerable nervousness about getting out of the scrape. We did so, however, with some haste, and without further bothering the sharpshooters. I have thought it was rashness in my brother to lead me into such a place, but he wished to show me as much of the war as possible in the little time he had to spare.

At night we slept on the ground in some woods not far back from the line. We were disturbed in our slumber more by the marching of troops than by the enemy's guns, though not a little by the latter. The danger was from bursting shells, which were frequently landed far back from the front. The changes in position of the forces along the line were usually accomplished in the darkness of the night. A movement of that kind in the daytime was sure to attract the attention of one or more of the enemy's batteries. Next day I saw a troop of our horsemen attempt such a movement through a cornfield in the outer border of the river-bottom land. They deemed themselves protected somewhat by the tall corn, but were observed from the other side and a fire was opened on them from two batteries, which scattered the troop in hot haste. Some of the horses, it was observed, came out of the cornfield riderless.

During the time I was on that part of the line nearest to City Point, all the soldiers, and civilians too if there were others besides myself, were deeply interested in the operation of a battery of thirty-two pounders stationed just near us. These guns it seemed to me were worked with wonderful skill. They were protected as much as possible by earthworks, and were able by their accuracy of aim to plant their missiles into the enemy's works at will. Petersburg was within their range and the bursting of shells from this battery must have caused much consternation in that doomed city. The terrible shrieking of those 32 pound messengers of death in their flight through the air was something frightful.

The time of which I am speaking was shortly after that series of bloody encounters, called the Battles of the Wilderness, and the earnestness of the war was now truly remarkable. The same determined feeling was manifest on either side, and while the spirit of our men, and especially of the Commander-in-Chief, was hopeful, it seemed to me the two armies were at a dead lock, with little likelihood of either being able soon to break the chain.

Some tedious sapping and mining operations were going on at the time, but to what purpose could not be foretold, and that was a fortunate circumstance as it turned out, for had the outcome of this mining operation been known in advance it would have greatly augmented the discontent. It is more than likely our forces at that very moment were contemplating, or actually carrying out, a flank movement away around to the left of the enemy's lines, which finally ended in the surrender of Lee and the complete discomfiture of the Confederacy. I did not visit that part of the field, my brother's brigade was located near the center of the line and I went no further. On a subsequent visit to that locality I saw the great craterlike cavity caused by by the explosion of Burnsides' mine. Had the explosion been promptly followed up by an assault in force, as was intended, the siege of Petersburg would have been sooner ended.

CHAPTER XXIV

1864—'65

EARLY'S RAID—THE CAPITAL IN DANGER—ENROLLMENTS—MARINES — TROOPS ARRIVE—SPIES—THE PRESIDENT—LINCOLN'S REMARKS—MR. STANTON—CHARLES DICKENS.

RETURNING to Washington, as I had left it, by steamer, I found the city in a state of great excitement. The rebel general Early had passed to the north and his scouts had burned four trains of cars on the railroad between Washington and Baltimore, and his advance upon Washington was apprehended. He was so near the city that artillery and platoon firing, to the west and north, was heard at all hours. The fear was that some portion of his command would approach and enter the town by marching down the line of the railroad, which was believed to be practically unguarded. This perilous condition of affairs continued only a day of two, but it seemed much longer. There was hardly the skeleton of a military organization in or within reach of the capital, to oppose Early; not enough even to properly man the earthworks that had been thrown up about Washington during the early stages of the rebellion. The marines from the navy yard and from vessels in the harbor were all mustered in for shore duty; a poor reliance against Early's disciplined soldiers, but better than none for an occasion like this. In addition to these, the clerks and men employed in the several departments, and all ablebodied men in the District, were called upon to organize themselves into companies and drill for the emergency. Coming under the latter class, I could not refuse to become enrolled and to drill, which I did as a private; but I have never claimed pension for that service. It would have been extremely mortifying to Early to have been beaten by us and that may have been among the reasons for his keeping out of our reach. Our opportunity for bearing arms proved to be very limited, for hardly had the military spirit taken possession of us, when older troops in force were landed from steamers at the city front and marched up through the streets to meet the enemy.

Learning of the imminent danger to the capital, General Grant had ordered, in considerable haste, part of the Sixth and Nineteenth army corps to come to our relief.

There is no pretence that Early or his men were lacking in valor, but doubtless they regarded discretion as the better part of it and at once struck their tents and moved off. They had met the Sixth army corps in battle before.

Early's plans were interrupted by this sudden intrusion. What the result would have been had delay occurred in the approach of the Union soldiers, may be inferred from a passage taken from General Grant's Memoirs, which has just fallen under my eye. He says: "If Early had been but one day earlier he might have entered the capital before the arrival of the reinforcements I had sent."

On the coming of the Union troops, firing in the outskirts of the city at once ceased, and the departure of the beleaguerers, it need not be said, afforded great relief to the loyal people of Washington, but to no one more than to the President.

There was in the city of Washington, especially among the older residents, quite a sprinkling of persons in warm sympathy with the rebellion, and it is altogether probable that General Early was kept pretty well advised of the condition of affairs within the city. This opinion finds confirmation in the developments during the trial, not very long afterwards, of the conspirators in the assassination of President Lincoln. That there were spies in those hot times about the White House and in the departments, is also probable.

I believe I was the only member of Congress in Washington at that time, and I was not there from choice. The railroads were not in use and there was no means of getting away. While so detained I made frequent visits to the White House. Unlike the time when Congress is in session, there were every few callers on the President; in fact he was frequently quite alone. He was always found in his room on the second floor at the southeast corner of the building. The weather being warm his door was usually if not always open. Anyone could enter at pleasure and unannounced as I was accustomed to. He was generally seated at his desk in the further end of the room, not facing the door, but more, though not quite, with his back towards it. There was no guard posted about the premises and no attendant upon the President, that I could see, other than the ordinary servants and perhaps the usher, who was rarely at his post. These things impressed me forcibly, as I had observed what appeared to me to be suspicious characters lurking about. One in particular, whose furtive glances from under his slouch hat, as I approached the White House, and whose general demeanor struck me so forcibly that I said to Mr. Lincoln, he ought to be more careful of himself. I mentioned some of the grounds of my suspicions; putting it to him in this way: that the rebels, who were all about, might procure his assassination for the purpose of creating confusion in Washington, during which they could rush in and capture the city. I remember well his reply or most of it. After listening to me he said: "Well, I determined when I first came here that I would not be dying all the while." meaning I suppose that he would not be in constant fear of death. He added: "I have always observed that one man's life is as dear to him as another's and no one would take my life without expecting to lose his own. Besides if any one wanted to kill me, he could shoot me from a window on Seventh Street, any day when I am riding out to the Soldier's Home." I am sure he said Seventh Street, though it may be thought he would go to the Soldier's Home, as he did very freqeuntly to spend the night, by some other route. His further remark and I think the last was, "I do not believe it is my fate to die in this way."

No person could have had less apprehension than had he at that time of such an assault as that of Booth less than a year afterwards.

I do not think my warning produced much impression on Mr. Lincoln, and immediately on leaving the White House, I went over to the War Department and stated my apprehensions more in detail to Mr. Stanton. I noticed that sentries were regularly on duty afterwards at the White House.

Mr. Lincoln, on these visits, always conversed freely and hopefully about the military situation and the movements of the armies. I was just lately from the front at Petersburg and told him what I had seen and learned while there. He had great confidence in our army and in its commander, but I am sure he was very nervous over the movement of Early.

Once I entered his room without his observing me and for a little while I forbore to disturb his reverie. Though his face was partly averted from me as he sat at his desk, nevertheless I could see distinctly that he was in great trouble. It made an impression on me that has never been removed. Mental distress could not be more distincttinctly depicted on the human countenance. As soon however as my presence was known, it all passed away, and he at once arose and with a long pointer indicated on the maps hung on the walls of his room, the situation of the military forces. He always seemed to keep in mind the movements of those branches of the army in the West and in the South as well as about Richmond. The operations of General Sherman were of the utmost interest to him and were the subject of frequent remarks. He was confident Sherman would be successful and expected great results therefrom.

Passing from the subject of war, I may mention as among my recollections a more peaceful but not much less interesting event.

The exact date I cannot recall, but I think it was early in 1865 that Charles Dickens was announced to give public readings in Washington. Of course I could not miss an opportunity to see the author of David Copperfield, the first work of his I had read, and which had made a deeper impression on my mind than any other of his numerous publications. The Pickwick Papers are fascinating in the extreme, but the story of David goes more directly to one's heart.

The lecture room was crowded but I was favored with a seat near the front, where I had a fair opportunity to see, and to observe some of the peculiarities of that great author. Mr. Dickens was dressed in a highly fashionable evening attire, not all in dark colors, and in appearance rather foppish. His vest was of a hue to exhibit to the best advantage a heavy gold chain which extended from the middle both ways across his chest. His other vestments were evidently of the latest style. His neckgear was of a cut and color to be called flashy. His hair was rather long and wavy, and was arranged to stand out at the sides above the ears. His features are well represented in the numerous pictures seen of him, and it will be observed they have quite a uniform appearance. He stood well out at the front of the platform when reading, with only a small desk before him, or rather at his side. He read single chapters, without comment or introductory remarks, further than to announce the work, as: from Copperfield, Nicholas Nickleby, the Pickwick Papers, or Little Dorrit, The book in each case lay open before him, but he paid little or no attention to the text. It was reciting, rather than reading. He missed not a word of the passage he was giving, and delivered it in a most impressive and entertaining style, representing in voice and manner, so far as he might, the character he was quoting. It would have been an interesting occasion had he been representing some other author, but it was intensely so as Charles Dickens himself. Dickens in his numerous works has created many original characters, but not one, I should say, more interesting than himself. His manner and whole appearance struck one as exceedingly finical and yet in no degree ludicrous, a character he has apparently avoided portraying in his books. His enunciation was possibly more precise than could be expected in one who had written so much and in such haste. His dialect would be recognized as English, but there was little of the Johnny Bull about him, either in manner or diction. Where not known, Mr. Dickens might have been taken for an American, or perhaps more likely a Frenchman. In fact I thought him about as odd a character as any he had ever drawn from his fruitful imagination.

CHAPTER XXV

1865

ABOLISHING SLAVERY—THE ARGUMENT — MR. LINCOLN'S HESITANCY—THE CAUSE OF IT—VOTE IN THE HOUSE—ITS IMPORTANCE.

It was the distinguished privilege of the members of the 38th Congress to vote for the final, and it is hoped everlasting extirpation of slavery from the soil of this republic. The opportunity came in the form of an amendment to the Constitution. The vote in the House was decisive though far from unanimous. Some of the old political party friends of the insurgents were still willing, if not anxious, to perpetuate slavery where it had so long existed, and such exerted themselves not a little to defeat the amendment. It was argued that so radical a measure would preclude all hope of reconciliation and prolong the war indefinitely. It was represented further that the amendment, if adopted, would, by one fell stroke, sweep out of existence thousands of millions of dollars worth of property and that its owners would never, never submit to it. On the other hand it was asserted that almost the entire body of slaveholders were in open rebellion against the government and that to free their slaves would be to deprive them of the means of subsistence and weaken their power of resistence. The strictly humanitarian view of the case was of only secondary consideration; in fact, it was hardly alluded to in the debates, though with many no doubt, it had more weight than appeared. It had been by setting forth slavery in its worst moral aspect that the abolitionists had brought down upon their heads the intemperate maledictions of their opponents, many of whom were now representatives in Congress, and for this reason political rather than moral arguments were sought to justify its extermination, For one I am sure that in consideration of the war growing out of it, and under almost any circumstances, I would have gladly aided in the destruction of so unjust, unphilosophic and troublesome a practice as that of chattel slavery.

From an early period of the war it was thought probable that one of the outcomes of the conflict would be the abolishment of slavery. That was the hope of many in the north and it was often alluded to as a logical result, but just how, or when it was to be accomplished was not foreshadowed. The fact is, the people of the entire country had become so accustomed to look upon it as one of the fixed institutions of the land that its sudden annihilation would come in the nature of a surprise.

Mr. Lincoln, though often urged to proclaim the freedom of the slaves of those actually engaged in rebellion as a war measure, had long hesitated to do so, stating that his first "object was to save the Union." Doubtless he was long restrained from issuing an emancipation proclamation by the frequent assertion, heard from prominent men in the army that they were fighting to restore the dismembered Union, and not for the freedom of the negroes. Such remarks were in the nature of appeals to Mr. Lincoln in the midst of a war to prevent the dissolution of the Republic. Those who knew well him never questioned that he, while hesitating, was as anxious to free the Republic of the incubus of slavery as any one could be.

The vote on this amendment to the constitution, after a long and acrimonious discussion, was taken in the House of Representatives on the 31st of January, 1865. The question had to be submitted to several states for ratification after that, but it was well understood that it would meet with prompt approval in nearly all of the states then in the Union. No difficulty in its adoption was therefore apprehended from that quarter The trouble was in getting Congress to authorize it. This action of the House was deemed by many hardly second in importance to the Declaration of Independence. I must have thought so myself; for while the vote was being taken I wrote home:

> HOUSE, 4 o'ck., P. M. JAN. 31, 1865.
>
> We are voting at last on the great question and it will just pass. The one question of the age is *settled*. Glory enough for one session, yes, even for a life. I never felt so much excitement over any measure before.

The war had now reached a stage when the success of the Union arms, in the near future, was regarded as certain, and no danger of much dissatisfaction from any source on account of freeing the slaves was apprehended. Sherman's wonderful raid through the very heart of the rebellion had already freed thousands of the negroes, so many in fact, that his march was constantly impeded by throngs of the liberated population. His expedition rendered plainer than ever the further fact, that the main reliance of the rebels for the support of their armies was upon slave labor and that the war had, in all probability, been much prolonged by that reliance.

It is fair to presume that thousands of patriotic soldiers, during that bloody conflict were immolated upon the altar of this national prejudice in favor of negro slavery. Neither Sherman, nor Grant, nor Thomas, nor Logan, nor any one of the leading Union generals had been, prior to the war, an anti-slavery man, nor a partizan of Abraham Lincoln, but it was now becoming apparent, mainly through the developments of Sherman in Georgia and the Carolinas, that the principal support of the insurrection after all was the slave. General Sherman, true soldier as he was, took hold of this idea readily and in earnest. Having been a short time before the rebellion at the head of a military school in one of the southern states, he had become familiar with southern institutions, and it is believed had a keener appreciation than his associates in the army of the power slavery was exerting against the government. By his words and deeds on his celebrated march he did much to mould public opinion on the subject and to override the common prejudice against abolitionism. His opinions told upon others in the army and out of it, with marked effect. To him and to many others, the utter extermination of slavery by constitutional amendment seemed a step in the right direction to cripple and finally overthrow the rebellion.

The action of Congress in the case may have been magnified in importance by some persons, and possibly by the noted artist, Clark Mills, then residing in Washington, who, for archeological, or phrenological reasons, I know not which, insisted on making plaster casts of the crania of those who supported the measure. These casts are now stored away in some dark room beneath the Capitol, never to be brought to the light of day otherwise than by this notice.

This was the Thirteenth Amendment to the Constitution, and by the President was declared ratified on the 18th of December following, after it had been favorably acted upon by the requisite number of states, as was well understood it would be. It passed in the House by the decisive vote of 119 to 56, a much larger majority than was anticipated. Several members who were violently opposed to the measure, on seeing that it was sure to pass, wisely forbore to record their names against it. It was a most proper supplement to the repeal of the Fugitive Slave Law. It was the great political result of the war, and was the one really radical movement of the age. People of this and of future generations will hardly appreciate the importance that justly attaches to it. It is a small thing to say that, "Slavery shall not exist within the United States, or any place subject to their jurisdiction," but when you reflect that the declaration at once manumitted four millions of enslaved human beings and at the same time struck the foundation from under the most gigantic rebellion ever known, one must concede that its importance can hardly be exaggerated.

Mention should not be omitted of the proclamations of Mr. Lincoln, the one of warning to the rebels, and the other, a hundred days later, often alluded to as an emancipation proclamation. Without some qualification it will hardly bear that appellation. Its prime object was not the freedom of the slaves, but something entirely different. By its terms it was: "a fit and necessary war measure for suppressing said rebellion." Emancipation was an incident of it, not its purpose. The intention was to weaken the rebellion by depriving the rebels of valuable property as was also done with cotton, and might have been done with any other kind of useful property of the enemy. Had it been a proclamation of freedom it must have included all slaves, everywhere, for all were equally entitled to liberty; whereas it only applied to a portion of the slave states, and even parts of states were exempted from its operation. Fully a dozen of the parishes of Louisiana, including the city of New Orleans, were excluded from it; also the forty-eight counties of West Virginia, and more than half a dozen counties in the eastern part of Virginia. The proclamation did not touch at all the states of Missouri, Kentucky, Tennessee, Delaware and Maryland, all slave states. These states and parts of states, to quote further from the proclamation, were "left precisely as if this procalmation were not issued," and, of course, still subject to all slave laws, including the odious Fugitive Slave Law, which had not then been repealed. Slavery was really not abolished except by the Thirteenth Amendment to the Constitution.

As a matter of fact the proclamation of January 1st. 1863. even as a war measure, fell far short of abolishing slavery. It was intended to operate only within the enemy's lines and was hardly more than *brutum fulmen*. Evidently it was so regarded by Mr. Lincoln himself, for more than two months after the hundred day proclamation of warning to the rebels and a month before the one of January 1st, 1863, he recommended by message to Congress an amendment to the Constitution, for the gradual emancipation of slavery and for compensation to the masters for liberated slaves. Mr. Lincoln always recognized the ownership of the master to his slave. But many members of Congress could not agree with him in this. They saw a far better reason for compensating the negro for unrequited services rendered under compulsion of Law, than for paying his master for further services of the slave. His recommendation for compensation related to slaves of loyal masters, liberated by the casualties of war, and it received no consideration by Congress.

CHAPTER XXVI

1865

END OF THE WAR — REBEL LEADERS — LEE — FLOYD — JEFF DAVIS — DEATH OF LINCOLN — THE GREAT DUEL.

ALTHOUGH the last session of the 38th Congress came to an end on the 4th of March, 1865, I did not return immediately to California, but chose to await in the East the end of the rebellion, which, as evidenced by military movements, was fast approaching. Another occasion for my delay was to look after the many matters in the various departments that the great pressure of legislative business in that most industrious of all Congresses had left for my attention after the adjournment. These demands could not well be disregarded, in as much as I had failed of a reelection, and my return to Washington at all was therefore a matter of uncertainty.

I was in Washington when Lee surrendered and participated in the general rejoicing. It was a consummation we had long been laboring to bring about, and the fulfilment of our hopes.

The war had been the most gigantic, in point of numbers engaged on the two sides, and in the scope of territory over which its operations had extended, of any in modern times. In stubborness too, if not in virulence, it was almost without a parallel, and now, its happy ending, with the life of the republic preserved, was the occasion for more profound gratification than any event in our history.

At this time, and even before the surrender, but when that event became evident, the absorbing question with thoughtful people was: What shall be done with the rebels? Happily, that question, so far as related to the rank and file of the Confederate army, was settled by General Grant in the terms of surrender. Inspired by a degree of magnanimity unsurpassed in the annals of war, he had allowed his adversaries, on laying down their arms, to depart in peace for home, with all their accoutrements. It was believed, in fact it was learned from the men themselves, that a large proportion of the rank and file of Lee's army had been deluded by gross misrepresentations to enlist, or had been forced into the service by conscription. The people of the South at once, and of the North on second thought, were highly pleased with Grant's action.

Towards the leaders of the rebellion however, whether in the army or out of it, the feeling thoughout the North was different. They alone were held responsible for the terrible casualties the country had suffered. The war was a slaveholders' war and nothing else. The slave owners really constituted only a small minority of the Southern population, but their domination at home was absolute. A more completely oligarchic government than that which prevailed in the slave states at the time of the war, and before, has not been witnessed in modern times. It was absolutely intolerant of opposition and even of dissent. Not to rally to its support, when required, even though it might involve risk of life and limb, was to incur the direst penalties.

The act of freeing the slaves, already accomplished when peace came, had a tendency to soften the feeling of resentment towards their former owners, but not to obliterate that feeling entirely. The country had suffered too severely in loss of life to readily overlook the instigators of the war. The opinion was quite prevalent that a few of the ringleaders ought to be rigorously dealt with; that the cause of humanity and the safety of free government demanded it. And that too was the expectation of the leaders themselves, not a few of whom sought safety in foreign lands. Another motive possibly for this exodus which followed the collapse of the Confederacy, may have been to escape the annoyance of republican institutions, towards which not a few were openly inimical. The monarchies of Europe, and Mexico with a throne re-established by European intervention for Maximilian, afforded them a more congenial residence than could be found under the stars and stripes.

These acts of self-expatriation met with the hearty approbation of Mr. Lincoln and others, since it obviated the necessity of dealing with them in any manner whatever. It was a common sentiment throughout the North that the republic was well rid of an incongruous and disagreeable element.

Towards the comparatively few who had held office in the United States at the breaking out of the rebellion and had deserted their posts, taking up arms against the government, the feeling was decidedly bitter. They were regarded as most odious traitors. This sentiment was perhaps more pronounced against General Robert E. Lee than against any other one of them, and was but slightly alleviated by Grant's generous treatment of him at Appomatox. Others, like Lee, had been educated at the expense of the government, had long drawn their subsistence from its Treasury, and had sworn to support the Constitution of the United States; but Robert E. Lee had the distinction of being, at the breaking out of the insurrection, Adjutant General and Chief of Staff in the military family of Lieutenant General Winfield Scott, Commander in Chief of the United States Army, and, because of the age and physical infirmities of Scott, Lee was himself virtually at the head of the army. From that most responsible post he deserted after the war began, taking with him all the valuable military information the place afforded, going off to join the enemies of his country. This extraordinary conduct had no better excuse than the shallow pretense that his allegiance was first due to the state of Virginia, a few of whose citizens, of the ruling class, were disgruntled over the election of Abraham Lincoln and for no other reason.

It should be observed here that all of these malcontents had participated in the election, and that there never was the slightest pretense that the election of Lincoln was not just and proper in all respects. The groundlessness of Lee's excuse for desertion was shown by the fact, that only a portion of the influential citizens of Virginia could be brought to unite in the secession conspiracy. The whole western half of that state was so determined in its opposition to the movement of the junta at Richmond, that it actually broke away and formed a commonwealth by itself, ever since known as the state of West Virginia. The ground for General Lee's asserted superior allegiance to the old state of Virginia over his obligation to the national government, founded as it had been by such Virginians as Washington, Jefferson, and Madison, has never been stated, but it may have grown in some mysterious way out of his nativity. Certain it is that he owed everything that a man could owe to the government of Washington. Inordinate ambition has served the purpose of palliating many crimes in the history of nations, and it might have been available in Lee's case had he been successful. The great Virginians of former age had builded too strongly for weaker hands to overthrow.

My own opinion is that Lee firmly believed the Union to be irretrievably lost. He evidently looked upon Abraham Lincoln as an inexperienced Westerner, so unlike and so different from his own aristocratic associates, as to be wholly unequal to the task of maintaining the republic.

It was generally believed there were others who should share the odium which history must attach to the name of Robert E. Lee, and prominent among them were John B. Floyd and Jefferson Davis. Floyd was Secretary of War, for years immediately preceding the rebellion, and had purposely crippled the government by sending the arms and ammunitions of war belonging to the nation beyond its reach, and where they could be, as he expected they would be, used against it. Floyd, like Lee, signalized his treason by taking up arms against his government. He was never actually captured, though he came extremely near it. Fearing the punishment he so richly deserved, Floyd, with General Pillow, made his escape, during the night, in a most unmilitary manner, from Fort Donelson, after its capitulation to General Grant, leaving their inferior in rank to adjust the details of the surrender.

Jefferson Davis was serving a term in the United States Senate when the war was brewing, and in that capacity lent his aid towards the overthrow of the government he had sworn to protect. He too had been Secretary of War, and deserting bore away with him a knowledge of the advantages in favor of treason which such a position would afford. He like others had voted in the election which resulted in the choice of Lincoln for President, and yet Jefferson Davis, at the bidding of a little junta of malcontents, and not in pursuance of any popular election, with unbridled audacity attempted to exercise over a part of the United States the functions belonging to Abraham Lincoln. For this criminal assurance Davis afterwards met with only the mild punishment of incarceration for a couple of years in Fortress Monroe.

Lingering in the country after the war was over, were many others, reprehensible, it may be, in a less degree than those just mentioned, who fully realized the error into which they had been led by over-ambitious and designing men. Most of these were now anxious to renew their allegiance to the government of their fathers. Towards these, and as a matter of fact towards all, Mr. Lincoln entertained a most kindly feeling. He was strongly inclined to issue an amnesty proclamation, and I think he would have done so but for the protest of certain members of his administration. That he was inclined towards the most lenient treatment of his late adversaries is well known. On that point I would be able to give positive testimony.

Immediately on the collapse of the Confederacy, General Weitzel had been placed by the President in military and civil authority over the city of Richmond, and in that capacity had issued an address to the people there, probably in pursuance of verbal instructions from Mr. Lincoln himself, which, for its extreme leniency savored nearly as much of a victory for Lee as for Grant. Observing this in the papers at Willard's Hotel, where we were stopping, and apprehending from its tone dissatisfaction in the North, Mr. Colfax and myself called upon the President, who immediately informed us that Weitzel's proclamation was "a little too good" and that he had already directed some modifications of it.

This was on the afternoon of April 14th, the day of his assassination. On leaving his room in the White House, after a most agreeable conversation about the ending of the war and about California, in which he was always interested, I bade that great and tenderhearted man good bye, little anticipating the sad ending of that day.

I left on the evening train to take the steamer at New York for California. Late in the night I was awakened in the sleeping car with the horrible announcement that Mr. Lincoln had been murdered. It was not a dream! My old time friend Mr. Seward had also been a victim of that most awful conspiracy. His life hung in the balance a long time after Mr. Lincoln passed away. I have always looked upon this unexampled crime as the culmination of a spirit engendered by slavery and the legitimate offspring of man's inhumanity to man.

Meeting my family by appointment in New York, with sad hearts on account of the death of Mr. Lincoln, which had been reported, we sailed the next day for Panama on our way home.

As I reflect upon it, our civil war was more completely exemplified by the duello than any war that ever occurred. In its inception, in its progress, and in its ending, it reminds one of some event on the field of honor. In scarcely any particular does it take on the character of an ordinary combat. It was grander in its origin, more chivalrous in its conduct, and more magnanimous in its ending. The code duello, though unwritten, is a law well understood. In lands where it is recognized, a high-toned gentleman forsooth suffers some real or imaginary indignity, and as likely to be imaginary as real. Without much thought, and guided more by passion than by reason, a challenge to mortal combat is sent. There being no other recognized way under the code to satisfy the asserted grievance, the challenge is accepted, weapons are chosen, and a meeting without further words is had upon the so-called field of honor. Both, we will say, are badly wounded, and the offence is condoned. The two, and all, are satisfied; the combatants shake hands and depart as friends—better friends it may be for having tested each other's metal. The cause of the conflict is at first ignored and then forgotten.

So our great civil war was entered upon without any real, and, at most, only an imaginary cause. The South inferred a grievance from the election of Mr. Lincoln and their deprivation of control in the Federal Government, but it was sufficient ground for a challenge. The challenge was sent, was accepted, and the great duel was fought. The challenging party in this case was the more seriously injured, but honor was vindicated. The belligerent South, on the sanguinary field, accepted the victor's proffered hand of friendship, and the North and the South are friends again, with the cause of the estrangement forever removed.

CHAPTER XXVII

1865—'66

SENATORIAL ELECTION — CANDIDATES — SARGENT — HIS PERSISTENCY — CALEB CUSHING — POLITICAL FAVORS.

On our arrival in California I found my name had been pretty freely discussed in connection with the United States Senatorship to succeed James A. McDougall, whose term would expire on the 4th of March, 1867, but his successor was to be chosen by the legislature to meet in December, 1865. Several other members of my party were named for the office, the most prominent of whom were Governor Low, Frederick Billings, John B. Felton and Aaron Sargent. The legislators upon whom would devolve the duty of making a choice were to be elected in the fall of that year.

San Francisco, where I resided, had a much larger representation in the legislature than any other county, and her members for that year, whether in the State Senate or Assembly, were, without exception, well known business men and men of excellent character. The Republican members of her delegation were unanimous in my support, and I received about two thirds of the vote of my party on first ballot, the caucus being held in Sacramento, the State Capital. Out of the total vote of 119, I received in joint convention of the legislature 92. It was the easiest election for Senator that had ever occurred in California. The tide seemed to set pretty early in my favor, and all efforts made to change it proved unavailing.

The result was especially gratifying to me, as it amounted to an approval of my course in the House of Representatives, and could be construed as a disapproval of the unfair means that had been adopted to prevent my renomination for Congress in my unavoidable absence. I must add, however, that these things, though possibly handled by others, in caucus and in joint convention, were not on that occasion alluded to by me. I never could entertain a feeling of resentment towards those who differed from me in judgment as to the fitness of candidates for office, or on matters of party policy. It was sufficient if we agreed in principle and were seeking the same political ends. But one of my competitors, Mr. Sargent, was utterly unable to overcome the disappointment growing out of his failure at that time, and was unremitting in his efforts to supplant me, in which he finally succeeded, as will appear further along. But it was the decree of fate that he should be by unfair means, as he claimed, supplanted by his former friend Governor Stanford; which brings to mind the old Greek story of the fatalist whose slave, when detected in stealing, sought to evade punishment by saying: "Oh, good master it was fated that I should steal." "Yes." replied his master, "and that you should be whipped for it."

I would not be understood as intimating that Stanford personally adopted unjustifiable means to secure his election to the Senate. I do not believe him capable of that, but I am justified in alluding to the ambition and wonderful persistency of Mr. Sargent, which was shown afterwards when Caleb Cushing was nominated by President Grant for Chief Justice of the United States Supreme Court, and his name sent to the Senate for confirmation. Mr. Cushing was a man of extraordinary literary attainments and of profound learning. He had the command of a larger number of languages than any man of his time, with the exception possibly of the Massachusetts blacksmith, Elihu Burritt. Mr. Cushing was even familiar with the Chinese tongue. He had served his country in various important capacities; had been Attorney General of the United States; had served as minister to China and made the first important treaty with that country. He had also served as chief counsel for our government before the British and American convention, sitting, in Geneva, Switzerland, to consider the Alabama Claims. His nomination for Chief Justice was thought to be eminently fitting, but his confirmation, for some unaccountable reason, was virulently opposed by Mr. Sargent.

Sargent had come to California from Newburyport, Mass., where in his youth he had been in the newspaper business, being a printer by trade. Newburyport also was the honored home of the Cushing family, and of Caleb it was justly proud, as he had achieved great distinction. But in this, it seems Mr. Sargent, though originally from the same place, did not concur.

Before the rebellion, Mr. Cushing and Jefferson Davis had been intimate personal friends and fellow Democrats of national reputation. They had served together in the Mexican war and afterwards as members of Presidennt Pierce's cabinet. At an early stage of the rebellion Mr. Cushing indited a letter to Davis, the assumed head of the Confederacy, on behalf of some one detained within the Southern lines, in which he made use of some expression more or less cordial towards Davis, but by no means indicating disloyalty on the part of Cushing; who was, in fact, from the beginning, one of the staunchest of Union men. In some way Senator Sargent got possession of this letter, and made the most of it against its author. Owing to the high state of feeling at the time towards Davis, Sargent was able to excite a wave of prejudice against his former townsman, and the upshot of the matter was the withdrawal of Mr. Cushing's nomination. There was nothing in the letter of Mr. Cushing that, in these times, would have been given much weight. I think it consisted in addressing Jeff Davis as "President." From my knowledge of Mr. Cushing, and I knew him well, I am sure he never gave utterance to unkind reflections on account of this unexpected opposition, nor attributed unworthy motives to his former townsman.

Though living in different portions of the State, Mr. Sargent and I had met in conventions and, as members of the same party, were quite well known to each other. Our correspondence had been voluminous and cordial. As a letter writer he was always clear and to the point. He was a man of untiring industry. He spoke with great rapidity, and his volubility was manifest both in tongue and pen.

In political life persons are found who pride themselves upon a reputation for shrewdness, and who prefer to accomplish by indirection what could as well be gained in a straightforward manner. Such, so far as found in the Republican party in California, attached themselves to the political fortunes of Mr. Sargent. In extenuation of this reflection, it may be remarked that from the time of my election to the Senate, he also having been a hopeful candidate, his feeling towards me seemed to undergo a complete change. This was manifest through newspaper communications over fictitious names and in the form of anonymous pamphlets, upon which he based attacks on me by innuendo, even on the floor of the House of Representatives.

At the time of my election we were living in San Francisco in a rented house at the corner of Bush and Leavenworth Streets, where, in the few months that intervened between the Senatorial election and our departure for the East, we had the pleasure of meeting and greeting many old and not a few new friends. Among these quite frequently appeared applicants for such assistance, in one way or another, as I might be able to render in my capacity as Senator.

It is a thing expected of one in public life to reciprocate alleged favors shown in a political way; I use the term, alleged, for not infrequently favors are asked, not based on reciprocity at all, but are solicited by political opponents, and put upon the ground of public welfare. When a claim like that is well founded it is difficult to ignore the demand, even though compliance with it might create dissatisfaction among party friends. This sort of trouble led, later on, to the adoption of the much vaunted Civil Service Rules.

The demand for assistance, based upon the support given a person in an influential position, is sometimes so perplexing as to render it doubtful whether any favor whatever was conferred by the support; whether in reality, the honor was not overbalanced by the resulting annoyance. It is said that persons over-sensitive have been known to resign office on that account. It might appear too much like ingratitude to say that the obligation had changed sides, and that one's elevation to a coveted place was a sacrifice, when it may have been no more than a partial surrender of sensibility. Fortunately for me or otherwise, few if any of the gentlemen who had voted for me in the legislature asked assistance at my hands in obtaining office, and certain I am that such assistance was neither sought nor promised before the election. But of course it is natural to be mindful of friendships, and to wish to requite favors. He is an unworthy citizen as well as a poor politician who is not at times moved by a feeling of gratitude.

CHAPTER XXVIII

1866

LOS ANGELES — GENERAL BANNING — SPANISH POPULATION — EARLY AMERICANS — A RECEPTION — VASQUEZ — GREEK GEORGE — CAHUENGA — LA BREA.

To ascertain so far as I might by personal observation, and by obtaining the opinions of influential people as to what ought to be done by the general government for California, I visited various centers of population and among them the city of Los Angeles. It was my first visit to that part of the State, though I had long desired to make it. I went down by steamer and returned by stage. I did not go further south on that trip than San Pedro, but some years later visited San Diego, with Senator Sherman, Tom Scott and others, looking to that beautiful city, with its splendid bay and glorious climate, as a terminus of the Texas and Pacific Railroad.

General Phineas Banning as a member of the State Senate of that year, did not support me at the outset; he was at first in favor of Governor Low for United States Senator. The personal and business relations between the two gentlemen were such, that the General could hardly do otherwise than lend his aid to the Governor while there was a chance for his election; but he voted for me finally, and under any and all circumstances was an esteemed friend.

My visit to Southern California had for one of its objects to call upon General Banning. At that time he was living in grand style, for those days, at Wilmington, in

Los Angeles County, which place was given that name by the General himself, whose native place was Wilmington, Delaware. He was a man of remarkable energy and at the same time richly endowed with public spirit. He had discovered the advantages of Wilmington inlet for a harbor, and on his representation I afterwards obtained from the Government an appropriation of $200,000 for the improvement of Wilmington harbor, the first for that purpose. The following year an allowance of $75,000 was obtained, and the third year I obtained the further sum of $150,000, in all $425,000 for the improvement of that harbor. The great breakwater in front of San Pedro was not then thought of and no appropriation for the improvement of San Pedro harbor was made until 1896, more than 23 years after my term in the Senate expired. The water inside at Wilmington was deep enough and, once in, there was room for many ships, but access to the harbor was obstructed by a sand bar, where the water was so shallow, even at high tide, that only the smallest of seagoing craft could enter at all.

Wilmington at this time was the United States military depot for that part of the State and Arizona. Some barracks were remaining, also extensive store houses, erected for the use of the commissary and quartermaster departments. These improvements had been rendered necessary by the war, which had only come to an end the year before.

Under the lead of General Banning and with the assistance incidentally rendered by the General Government, Wilmington seemed likely to eclipse the old town of San Pedro, which never possessed a secure harbor and could only be provided with one by carving it out of the Wilmington inlet. General Banning early foresaw this, and availed himself of the advantages which must flow from such an improvement. His foresight has been more than justified by the recent construction, at government expense, of a breakwater in front of San Pedro, and by dredging the harbor of Wilmington.

At the time about which I am writing there was no railroad, and opposition stages were running between San Pedro and Los Angeles, and I was not long in reaching the latter place. The old Spanish civilization had not then, as it has since, been crowded out of the country. The Dominguez and other Mexican ranchos were conspicuous on the road up to the city.

In 1866 the pueblo of the Queen of the Angels had but barely begun to assume the aspect of an American city. It still presented many indications of its earlier civilization. Adobe residences were common and *zanjas*, or water-ditches, were encountered in various directions. Where the elegant Baker Block now stands was a long, low, tile-covered adobe structure, flush with the street, occupied as a home by Don Abel Sterns and his beautiful and accomplished Castilian wife. It had been in its time a princely establishment of the old type, but was now fast going out of date.

The water for the town was supplied from the Los Angeles river, by a large *zanja*, brimming full, which crossed Main Street above the Plaza, and, winding its way down, not far from the line of that street, supplied water for domestic use as well as for irrigation.

There was then no conspicuous building in Los Angeles unless the Round house may be the exception. That was a one story, octagonal, wooden structure with a high coneshaped roof, located far out of town, as the town then was, near where Main Street is intersected by Third. But in a more central part of the place, on Los Angeles Street, was a somewhat pretentious two story structure of red bricks, in the unfinished upper story of which a ball was given during my visit. It was attended by all the gay people of the city. The music and dancing partook of the characteristics of the two civilizations and reflected credit upon both.

While the town still had marked Mexican features, a transformation was in progress. Quite a sprinkling of Americans and Europeans had settled there, and among them were a goodly number of citizens of the most sterling worth; such men as Abel Sterns, J. J. Warner, Matthew Keller, L. J. Rose, Henry Hancock and D. B Wilson, whose acquaintance I then made and with all of whom I corresponded, while in the Senate. There were also, commendable for their patriotism, J. W. Wolfskill, J. S. Mallard, Consul Morinaux, J. G. Downey, O. W. Childs, H. D. Barrows, the Picos, Andreas and Pio, J. F. Burns, Casper Cohen, Francisco Lopez, J. J. Carillo, Sr., H. J. Newmark and others not now called to mind. These were all denizens of the town and its suburbs. It will hardly be believed how few and far between the settlers, whether Spanish or American, were forty years ago in all the stretch of country roundabout Los Angeles. For miles and miles in every direction except towards San Gabriel Mission, hardly a human habitation could be found. Where now a teeming population abounds, was then all an open plain. There were no improved roads and nothing like a seaside resort anywhere along the coast. At the present site of Santa Monica not a house nor even a tree was to be seen. The beach there was approached by a narrow ravine, down which ox-teams laden with crude asphaltum from the Brea Rancho, owned by Major Hancock, were driven, and the loads transferred to small schooners for the San Francisco market, where it was extensively used for sidewalks.

On our way back to the city one day from the beach at Santa Monica, at a point in the foothills just above the site of the present town of Sherman, we passed the humble abode of Juan Moreno, a native of Mexico, who was then one hundred and thirteen years old. He was not as lively as a schoolboy, but was working with fine success in his garden, which had long afforded him a living. His age was easily authenticated as his father had been among the twelve founders, under the Spanish law, of the Pueblo of Los Angeles. His extreme longevity could be attributed to the salubrity of the climate of Cahuenga Valley and to that same the reader is indebted for this information.

A few hundred yards from old Moreno's home, but down on the Brea Rancho, we came to a small adobe hut in the midst of a clump of willows, where the notorious outlaw, Vasquez, had been captured a few years before, by James Thompson, sheriff of the county. The retreat of Vasquez was in the close-by Cahuenga mountain range, a secure resort, but he had incautiously ventured down on the plain to visit Greek George, an acquaintance of his, and was captured. The sheriff got wind of this movement and compelled a friend of the outlaw, under threat of instant death, to drive him in his farm wagon to the place designated. Thompson lay concealed on the bottom of the wagon until arriving at the hut, when he sprang out and arrested his man. Vasquez was on the lookout, but knowing the driver to be inoffensive, was thrown off his guard. The driver had been warned by Thompson, a most determined man, on pain of death, to give no hint, by word or sign. Vasquez was caught unarmed and overpowered. High crimes were charged against him, he was tried and executed. Jim Thompson while sheriff distinguished himself in other ways than by the arrest of Vasquez and was famous in the early days of Los Angeles. Greek George was not implicated with Vasquez in any of his crimes, but remained an acceptable resident of Los Angeles County for many years. He had come to this country some time before in charge of a herd of thirty or more camels, which were imported by the government with a view to their use in carrying the mails across the deserts.

It may be worth while to state that Southern California, as late as 1866, was counted of little value. Its agricultural products were exceedingly limited in variety and quantity. It was a common belief that only a very small portion of the land could be made at all useful except for pasturage. The live stock, consisting of horses, horned-cattle and sheep, subsisted the year through upon the natural herbage, which during a great part of the year became so parched and withered as to crumble like chaff. The notion, somehow, got abroad that, on an average, two years out of every seven were years of drought, in which the live stock must suffer for want of food. It was understood that the soil could be rendered reasonably productive by irrigation, but irrigation is always a tedious and costly process for raising crops, and is hardly ever resorted to in a new country. It is safe to assert that not one acre out of ten thousand of the lands of Southern California, was brought under that sort of cultivation as early as in 1866. It was counted a special wonder that a little locality called El Monte, a dozen or more miles out of Los Angeles, could produce corn without the artificial application of water. This place was occupied by a small colony of Americans from the Western States, and they were thought to be the most fortunate of farmers.

All these notions about the difficulty of farming in Southern California were greatly modified in after years, as it was found that wheat and barley, and even corn, could be raised to advantage almost anywhere, by observing the proper time of year for cultivation and planting.

All that half of the state which, at the time of this writing, has become most famous for its fruits, actually shipping to eastern markets annually as many as thirty-thousand car loads of oranges and lemons, besides large quantities of other fruits, vegetables and wines, was, in 1866, just beginning to awake to its possibilities. Of orchard products the olive was the chief, but a few vineyards, limited in area, were mentioned, and particularly the one at Cucamonga. John W. Wolfskill had succeeded admirably with an orange grove, located in the middle of the pueblo, irrigated from the *zanja* already mentioned. A few other tests, to ascertain the capabilities of the soil, were made by the newcomers, but not much faith in their future was manifest; hence the progress was slow. This slowness was but natural. Man is a creature of habit and he is much inclined to follow what has gone before. He is not prone to new undertakings even though they may give some promise of advantage. Governments recognize this weakness in human nature and to spur men to greater exertion pass patent laws and homestead acts.

The civilized population that had just preceded these times, had diligently given what little energy they had to spare to the less laborious occupation of raising cattle. Traffic in hides and tallow had supplied all their wants, and when the Teutonic race came straggling along, they naturally fell into the habits and customs already established.

Los Angeles possessed attractions independent of those mentioned. Her proximity to the great peaceful ocean and to her lofty and picturesque ranges of mountains, was much appreciated by the lovers of the sublime and beautiful in nature. Her genial climate added to these, compensated in a large measure for her early isolation from the rest of the civilized world.

After a brief but pleasant sojourn in this delightful region, on a bright autumn morning, I bade good bye to many friends and mounted the stage for home. These lines of the poet occurring:

> "I said, if there's peace to be found in the world
> The heart that is humble might hope for it here."

Passing over the historic Cahuenga Pass, just out of Los Angeles, we came into a region of much interest, extending all the way up the coast to San Francisco Bay. The several old missions on the route have been too often described to need a further word, but what did seem peculiar was a total absence of anything that might indicate the American occupation of the country, except, perhaps, in the few villages on the route. The rural habitations all along were of the old Spanish type; constructed of adobe bricks with tile roofing. Of course these were not numerous, and were strung along at great intervals, They had once been prosperous, and doubtless, happy homes, but they were now in a dilapidated condition and surrounded by wreckage of what had been useful to the family. The tide of their prosperity had evidently been checked by the American invasion. The new civilization had not yet taken root. The seeds, however, were being sown by the acquisition of lands, and the new population was as yet too much engrossed in that occupation, to waste time in putting improvements on the same. This must account for the non-appearance of American homes along the coast region.

The route then followed by the stage was by no means a *Camino Real.* There was not a bridge in the whole distance and no part of the line had ever received the attention usually bestowed upon highways in civilized countries. It afforded a view of the ocean only at intervals. The impression of one traveling over it was that of crossing a succession of valleys separated by ranges of mountains but the valleys were wide and the mountains high. The route was replete with wonders of nature and highly romantic.

Writing of the trip immediately afterwards I said:

"I had a delightful time and my visit was very satisfactory to myself and apparently so to people I visited.

I saw a wonderful country; the richest by nature I have ever seen. I only wish you could see it before you go East. Think of orchards of oranges and lemons yellow as gold, and such vineyards! There is nothing like it in the world."

CHAPTER XXIX

1867

JAMES A. MCDOUGALL — HIS ELECTION IN 1860 — POLITICAL PARTIES — JOHN CONNESS — PATRONAGE — EUGENE CASSERLY — WM. T. COLEMAN — GEORGE HEARST — GOVERNOR SEWARD — NEWSPAPER MEN — CALIFORNIA HUMORISTS.

JAMES A. McDougall, to whose seat in the Senate I succeeded on the 4th of March, 1867, was quite well known to me from an early day in California, though we were never closely associated politically or otherwise. He was regarded as a profound lawyer, a ripe scholar, and was possessed of exquisite literary taste. A great admirer of Shakespeare, he was addicted to quoting words of wit and wisdom from that great author. He had a high sense of honor and was a man of the strictest integrity. His gentle disposition most likely prevented his breaking with too genial associates. He was the last person in the world to inflict an intentional wrong.

In politics McDougall was always a Democrat and, withal, something of a partizan, but not so much so as to swerve him from duty.

He and Milton S. Latham represented California in the House of Representatives in the 33d Congress, when Franklin Pierce was President, and they were together again in the Senate in the 37th Congress. In the former period the Slavery question was fast forging to the front in American politics, and in the later period it had culminated in the rebellion. The aim of both had been to postpone, and if possible, avert the conflict, which to many seemed inevitable, but not so to them. It need not be said their efforts were abortive, and as for McDougall the disappointment so wrought upon his sensitive nature as to hasten his taking off.

Well do I remember the event in 1860, when McDougall was the foremost candidate for the United States Senate. The legislature was sitting in Sacramento, and the Capitol being only a block or two from our house, Mr. McDougall spent the time there while the balloting for Senator was going on in joint convention. He received the information of his election with perfect coolness, There was some rejoicing by others and the usual congratulations. It was far from my mind then that I would be called upon, six years later, to follow him in the office to which he was chosen.

I do not remember for whom the Republicans, few in number at that session of the legislature, cast their ballots, but possibly for McDougall, for all had confidence that he would be found, in case of disturbance, on the side of the Union.

McDougall believed, as many always have believed, that the evils of a political party could be corrected from within and through the agency of its own organization; a thing, by-the-way, that has seldom been accomplished. That hope is on a level with the plan of reforming criminals by an appeal to their better nature, a theory quite delightful, but far from practical. The world has never yet been able to dispense with prisons and other methods of punishing infractors of the law. Human nature will have to undergo a radical change before criminals or political parties will reform and amend their own abuses. One misstep of a party, as of an individual, is much more likely to be followed by another than to find correction within itself. It is safest for the general welfare to hold a party responsible for its misdeeds and to punish its derelictions by dismissal from power. It sometimes requires much courage on the part of individual members of a party to pursue this course, but it is the only effective remedy for bad government.

John Conness, my first colleague in the Senate, was by nativity an Irishman. He was equipped with many of the more striking peculiarities of that race. He possessed not a few of its virtues and unquestionably some of its foibles. He was earnest and honest. Endowed with confidence in his own ability, he inherited prejudices which it is thought sometimes warped his better judgment. He was a Democrat by party affiliation prior to the war, and loved with commendable ardor his fellow men who agreed with him in all things.

Quite unexpectedly, but perhaps naturally, I fell into some disagreement with Mr. Conness while I was a member of the House of Representatives and he of the Senate. It arose ostensibly out of the disposition of government patronage on the Pacific Coast.

During the war the administration needed all the support that could be obtained for it, and some of the Union Democrats in California—possibly among them Mr. Conness, who had not voted for Mr. Lincoln—were of the opinion that a proper requital for support of the administration would be the Federal patronage on the coast. I was constrained to acquiesce in this view generally, but not to its fullest extent. Republicans there were, and some in the administration, including Mr. Lincoln himself, who thought that the "wheel horses" of the Republican organization, should not be entirely ignored in the matter of patronage.

At the special request of Senator Conness the President had appointed Stephen J. Field, a Democrat, to the

Supreme bench, overlooking in the choice certain Republican lawyers in California of equal ability. This, and other similar occurrences, were not very heartily approved by all of the members of Lincoln's cabinet, and I, being the only one in either House of Congress from California who had supported Mr. Lincoln at the polls, was expected to protest against carrying this business too far. Accordingly I lent what little influence I possessed in favor of the appointment of some old Republicans to office, thereby incurring the coldness of Mr. Conness, which led to his opposing my reelection to the House, and afterwards to his failure to perform the usual courtesy of presenting my credentials, when I first made my appearance as his colleague in the Senate. This palpable slight was observed by other Senators and commented upon, but it made so little impression on my mind that I have hardly ever before alluded to it in public or private, and I now disclaim any unkind feeling towards Mr. Conness on that account. I am quite willing to shoulder my full share of responsibility for any disagreements between us, believing, as I do, that they were the natural outflow of the peculiar condition of the political parties in those memorable times.

Upon the expiration of his term in the United States Senate, Mr. Conness abandoned California for good, taking up his residence in the more cultured(?) state of Massachusetts, where, it is hoped, he is enjoying in his declining years his well deserved *otium cum dignitate*.

Eugene Casserly of San Francisco succeeded Mr. Conness in the United States Senate while I was yet there. Mr. Casserly was a ripe scholar, a prominent layman in the Catholic Church and a lawyer of no small distinction. From an early day he was more or less of a politician, and about the time of the Vigilance Committee he became prominently known as a newspaper man. It is remembered that he published, in those stormy times, a Democratic organ, called "The New Balance." He was a careful and polished writer and an editor of much polemic ability. Like his predecessor in the Senate, he was of Irish birth, but owed his scholarly attainments to his father, a teacher of the classics, in the city of New York. Mr. Casserly resigned his seat in the Senate before the expiration of his term, but hardly had re-entered upon the practice of the law in San Francisco when he was called away forever.

Mr. Casserly became conspicuous in the Senate for delaying rather than facilitating the business of that body. Being a man of great industry, he deemed it his duty to thoroughly examine personally every measure that came before the Senate for action. Although by the rules of the Senate, every measure must undergo the investigation of a standing or a special committee, and be accompanied by a verbal or written report, before it can come up for action in the open Senate, yet Mr. Casserly was seldom satisfied with the committee's report, and in numerous instances asked for delay of a bill, or resolution, until he could find time to examine it for himself. The courtesy of the body required the granting of a favor of this kind, but in the case of Mr. Casserly it became rather irksome because so frequent. The request with him was not arbitrary, or with a design to impede business, but was the outcome of a desire to perform his whole duty.

William T. Coleman received the Democratic votes at the Senatorial election held late in 1865. He was a prominent merchant, with a business house in San Francisco and one also in New York. He always took an active part in politics, both local and in the State at large. He was at the head of the celebrated Vigilance Committee of 1856. His voice was heard in every reform movement, and no one was more bold in the assertion of his principles. He always believed he was right, and was oftener so than otherwise. He was a Democrat and a partizan, but not enough of the latter to justify the wrongs of the former. He could be depended upon for any good work independent of his party, and it was on this account, as much as on account of his past affiliations, that he was given the Democratic nomination for Senator.

A member of the State Senate at that time and who voted for Mr. Coleman was George Hearst, who afterward himself became United States Senator, and whose only son, William R. Hearst, the publisher of a number of popular journals, later became a useful member of the House of Representatives.

In every election for United States Senator in the State prior to that time, talk was indulged in, and frequently much of it, about corruption in connection with the voting, but on this occasion not a whisper of that sort was heard, either in connection with Mr. Coleman's candidacy or my own.

Following the event, I received many congratulatory letters, like the following:

HOUSE OF REPRESENTATIVES, WASHINGTON, D. C.,
DEC. 19, 1865.

My Dear Cole:—God bless you. Receive my earnest and heartfelt congratulations upon your election as Senator. It is a glorious and deserved tribute to one of "the old guard."

Yours very faithfully
E. B. WASHBURNE.

DEPARTMENT OF STATE, WASHINGTON.

————I am gratified to learn of your election and hope that your labors may advance the interest and prosperity of *your* state. It is hardly necessary for me to say to you that I shall take pleasure in cooperating with you in such matters as may arise affecting the State of California, when compatible with the duties of my position.

I am my dear Sir

Faithfully yours

WILLIAM H. SEWARD.

The feeling of cordiality that had long existed between Governor Seward and myself was seriously jarred afterwards by my giving judgment, on the impeachment trial, against Andrew Jackson. Mr. Seward, from his position as Secretary of State, was to be considered as the President's chief adviser, but it is certain he did not advise Johnson in the erratic course upon which the impeachment proceedings were based, nevertheless he was very warmly on the side of Johnson. He could hardly have been more earnest had the proceedings been against himself.

I have no recollection that he in any manner communicated to me before, or pending the trial, his views upon the subjects, and I do not believe he did; but I learned soon afterwards from his own lips that he had expected me to vote differently. Though I thought he was a little resentful, I attributed his feelings, in part, to exultation over the acquittal of Johnson.

This alienation growing out of that untoward event had evidently worn away when he wrote:

AUBURN, Nov. 21st, 1871.

My dear Cole:

I shall hope that when you come eastward you will visit your native region and so favor your old master with a visit in which we can compare opinions about the Pacific Coast and its surroundings.

I am no less an enthusiast now than heretofore in that respect.

Sincerely yours

WILLIAM H. SEWARD.

California in pioneer days developed a number of able newspaper writers. They were all young men, and some of them eventually achieved wide literary fame, particularly in the humorous line. Of newspaper men, Casserly and Sargent have already been mentioned, and I may add the names of Frank Soule, B. F. Avery, John Nugent, Eduard Gilbert, B. F. Washington, the genial and sarcastic Frank Pixley, and the bellicose William Walker, of filibuster notoriety. The latter was a small man, of florid complexion, extremely reticent and reserved in manners. He was a fit representative of the newspaper guild, but would hardly be taken for the leader of a hostile movement against a foreign country, like that against Nicaragua.

The first of literary wits on the coast, in point of time, if not in merit, was Lieutenant Derby—*John Phoenix*. He lived in San Diego, but was not unknown in San Francisco. His humor was highly appreciated and his early death was deeply deplored. His accomplished widow and charming daughter were living in Washington in the sixties.

Phoenix was much quoted until his humor suffered a partial eclipse by the appearnce in the literary firmament of Bret Harte, the miner of Calaveras. Personally Harte was an effeminate appearing young fellow, exceedingly humorsome and as modest as he was witty. The transactions of the Calaveras Antiquarian Society, because much more American, were thought to rival the proceedings of the Pickwick Club, besides being a little more poetic.

Samuel Clemens—*Mark Twain*—also was a California production, though his humor was hardly yet out of the bud when he abandoned California for the fresher fields of Nevada, where his genius blossomed out and eventually developed into ripe fruit.

I was first introduced to Mr. Clemens in Washington by J. H. Riley, a well known newspaper correspondent. As Mr. Clemens is still talking about on the face of the earth, it may be I should forbear to give my recollections of him. I will venture to say, however, that he was, and still is, if he has not reformed, exceedingly drawling in his speech, a habit that may have arisen from the great value set upon his utterances.

CHAPTER XXX

1867

RECONSTRUCTION — CONSTITUTIONAL AMENDMENTS — CARPET BAGGERS — RETURNING REBELS — STANFORD'S LETTER — KU KLUX KLANS — REBEL ARCHIVES — UNIFICATION — NATIONAL STRENGTH — MAXIMILIAN.

THE most difficult problem that ever came before an American Congress was that relating to the reconstruction of the seceded states. Every ligament that had bound them to the Union was practically severed by four years of bloody war. Their condition was not at all unlike that of conquered territories, subdued, after fighting desperately, and lacking all further power of resistance. But the presence in those states of a large population, rendered it imperative that something should be done to relieve them from their unorganized and helpless predicament. Two thirds of the population there were of our own race, a fact that appealed to Congress even more forcibly for the early rehabilitation of those states than the desire to protect the millions of manumitted slaves. The intense hostility still rankling in the bosoms of a considerable proportion of the white population, together with their unconquerable aversion to free negroes, warned Congress against inconsiderate action.

Another embarrassing circumstance was the general lack of intelligence in the four millions of the emancipated. They were utterly incapable of vindicating their own rights political or personal, against their intelligent and educated Anglo-Saxon neighbors. The ex-slaves in political sense were clearly at great disadvantage. As two distinct races, left to their own resources, were not likely to long continue to occupy the same territory on an equal footing, it was as certain as any human event, that if the former functions of the rebellious states were restored without restraint upon their late owners, the negroes would speedily be reduced, if not to chattel slavery, to a condition of peonage even more oppressive.

We were further admonished by the frightful treatment of the thousands of prisoners at Andersonville, that the guilty parties in that bad business, belonging as they did to the class that had always obtained political ascendency in the South, were not to be implicitly trusted with the destinies of a subordinate people. The unspeakable horror of that great military prison camp, will always remain one of the blackest pages in history, and the persons responsible for it, though possibly few in number, were believed to have forfeited all claim to recognition as citizens of this republic. One of them, named Wirz, more immediately in charge of the prisoners, was tried and executed, but others, equally guilty, remained unhanged and ready for political activity.

These considerations, were partially met by additional articles to the Constitution. The Amendment abolishing slavery was early ratified, and the next step was to secure citizenship for the negro with unrestricted political rights. To accomplish this end it was deemed indispensable to adopt a separate amendment guaranteeing to the ex-slaves the right to vote.

To further guard against the restoration of slavery, in some form or other, a constitutional amendment was suggested and finally adopted, disqualifying for holding office every person who, having in former times taken an oath to support the constitution of the United States, had engaged in the rebellion. This disqualification removed for the time being from effective participation in the politics of those states, most of the politicians of the south, in-as-much as nearly every one of them had taken part in the rebellion in one way or another. But it was provided in the amendment that this restriction could be removed from any individual by a vote of two thirds of the two Houses of Congress.

In addition to these new articles in the fundamental law, the acts readmitting the states might contain other needed conditions.

All these precautions were deemed advisable not only for the protection of the freedmen but also for the future safety of the republic. Those who had sought to destroy it were not to be afforded another opportunity before they could have time to reflect upon the folly of their conduct.

It was thought desirable to forestall, as far as possible, any mischievous schemes that might be hatched out of the disappointment resulting from disaster to the arms of the insurgents.

So general had been the participation in the rebellion of persons who had theretofore exercised the functions of government in the South, and so sweeping the disqualification, that from sheer necessity in some cases, Senators and Representatives in Congress from the seceded states were chosen from persons who had but recently become residents of those states, and occasionally from those lingering in the conquered country from the Union army. These were derisively termed carpet baggers; but to these in several instances the seceded states were indebted for their early restoration to the Union. These much maligned office-holders, though lacking, it may have been, in some instances in political experience, very generally proved to be men of integrity and unalloyed patriotism. In due time they were succeeded by native born politicians, whose disqualifications had been removed.

Those who, on the collapse of the Confederacy, had gone into voluntary exile, lured by the generosity of the government, or, it may have been, by the beneficent disposition exhibited towards them by Mr. Lincoln, came back, one by one, to their old homes. Uniformly on the asking they were restored to citizenship. Such, it may be observed, greatly to the credit of the American character and of our common humanity, have in every instance been found faithful to their renewed obligations. I once heard General Grant, in an amusing manner, ask a prominent reconstructed citizen, if he was not glad he had been whipped? His reply was, that he did not like to express it just in that way.

Bearing upon this subject, I may here incorporate a letter received from Governor Stanford which happens to have been preserved. The Governor afterwards came to the Senate, but all the states had then been restored to the Union. The letter shows how Stanford would have voted on the reconstruction measures, had he preceded, instead of succeeding me.

San Francisco, Feb. 9th. 1867.

My Dear Senator;

By the time this reaches you the telegraph will probably have told us that you have taken your seat as U. S. Senator. To me the thought is very gratifying. It causes my mind to run back to our early struggles when without the thought of honors as a reward we strove to uphold and advance the principles of justice and equality. Surely we have seen a great revolution towards the right make great progress and I never was more hopeful than now that the time is not very far distant when every citizen will be considered and admitted to have equally one with another the right to a voice in the government. This is with me adopted as a principle and I want to see it carried out to all its legitimate consequences, of course you will understand from this that I am not only in favor of negroes voting but also of women.

This cry against the ignorance of the negroes and their consequent inability to vote for the best interests of the country has with me not the least weight. The poorer and more ignorant a man is, the more consequence that he should have the power to protect himself. The intelligence of the Country can always take care of itself and will always as it ever has. It will shape and control the policy of the Country and the ignorant will follow where it leads, except when it may attempt to lead to oppression.

I want now at this time especially to see the negroes vote, because history shows that a conquered people is always a rebellious people. By allowing the negroes to vote we shall have in the Southern territory a majority of the people, counting by numbers but also by votes, in harmony with the people of the loyal states. This I think is a very important consideration.

I rejoice to see the evidence that Congress is disposed to treat that portion of the Country where treason held full sway as territory for which Congress must provide government. It has always seemed strange to me that a different opinion should be largely entertained. Our Constitution was made only for the *United* States. When the Southern States seceded and went out of the Union, which they did, they lost all rights under the Constitution. That they did go out of the Union was a fact which no reasoning can make otherwise. To say because they could not, does not seem to me more reasonable than to say that because a man has no right to commit murder, therefore he cannot.

For four years in the Southern States the only political organizations controlling and exercising governmental powers were of treasonable rebellious and war making opposition to the United States. Now what Constitutes a State, but its political organization. Surely it is not its boundaries nor its name. To these States united in a confederated Government, nearly the whole world, the United States included, conceded belligerent rights. Now to us at the same time there occurred belligerent rights and I propose we exercise them. To us have occurred the rights and powers of a conqueror, let us use them as safety requires, not for the purpose of imposing burdens, for when organized as States, I want to see them bearing the weight of no laws that I would not be willing should prevail over every state in the Union. The punishment to be inflicted upon individuals is quite another matter than punishing a people.

What I have written is nothing new but I have thought I would write you on this matter my views in brief and somewhat as a key to public sentiment in California. The whole tendency of the loyal portion of our people is in the direction of most of the views I have expressed. McRuer has fallen immensely in popular favor in consequence of his vote on Boutwell's test oath bill. Field is repudiated. The fact is in these times a man's political character is as sensitive and needs to be as carefully guarded to avoid taint as a woman's character for chastity. A suspicion of weakness is accepted as sufficient for condemnation.

With best wishes for yourself and family

I remain your friend

LELAND STANFORD.

To Hon. C. Cole, Washington.

Another perplexing problem Congress had to deal with, was the suppression of the Ku Klux Klans. It was perhaps but natural that the discomfited, in a contest of the character of that just ended, should, at least for a time, feel dissatisfied, and some of them even vindictive. It can never be otherwise than that human slavery will engender towards the enslaved race a sentiment of inhumanity, and naturally also a feeling akin to that towards those who are believed to be in sympathy with the oppressed. An exhibition of this feeling appeared during the war, as already remarked in the terrible scenes enacted at Andersonville, and likewise immediately after the war in that foulest of all individual crimes that ever disgraced humanity, save only that of the cross, the assassination of Abraham Lincoln. It cropped out again after conciliation was supposed to have been completely restored, in the formation of the Ku Klux Klans, to carry on, under disguises, midnight raids against the black people, to intimidate them and prevent them from exercising their rights as free men. But the Ku Klux went much further. They became extremely lawless, and committed innumerable atrocities against the whites, as well as the blacks. The operations became finally so open and notorious as to demand the serious attention of Congress, and it required vigorous action to suppress them.

Let it not be supposed that the better people of the South, or any more than a small proportion of the population there, were at all responsible for the crimes of the Ku Klux. On the contrary, a large majority of those who had been in the rebellion earnestly disapproved of the operation of those midnight marauders. It is within my own recollection that these organizations were as warmly disapproved in the South as in the North. The Ku Klux movement was but the last dying spasm manifest in the tail of the serpent already beheaded.

While I was at the head of the Committee on Appropriations, Senator Zach Chandler of Michigan came to me with a request for an appropriation of a pretty large sum—I think more than fifty thousand dollars, the object of which he said must not be made public as its publicity would be likely to defeat its purpose. He wanted me to put the item in an appropriation bill and when it came before the Senate, to vouch for it as being of a confidential nature and very desirable.

Chandler had ascertained in some way that the archives of the Confederate Government, or part of them, could be obtained for a certain amount in cash, if the matter was conducted with discretion. He gave as a reason, among others, for getting the archives, that they would be useful in adjusting war claims against the Government, and probably be the means of saving much money.

I did not ask him for the particular facts that had been confided to him regarding them, and I never learned from whom or in what manner, other than by paying the money, the archives were to be obtained.

I am morally certain that no other member of my Committee was more fully informed on the subject than myself. The utmost faith was placed in Chandler's judgment and representations in the business.

It was a very unusual thing to embody an appropriation in a bill, without being fully advised about it, and without being able to give a satisfactory explanation of its purpose; and equally unusual to get it through either House when such explanation is withheld. But this matter was disposed of in the Senate without much difficulty. In the House of Representatives, however, when the bill containing the item reached that body for action, the sailing was not so smooth. It was looked after there by Mr. Garfield, the chairman of the Appropriations Committee of the House, and he had considerable worry over it, Members are always asking for explanations and making objections to items not fully accounted for.

It is my impression that this matter was finally disposed of in a Conference Committee; the reports of which are never open to discussion.

A Conference Committee, is always composed of three members of the Senate and three of the House, and is asked for when it seems impracticable for the two Houses, separately, to agree upon the contents of a bill. The object of such committee is to effect if possible a compromise of the differences.

Whenever disagreements arose on appropriation bills, Mr. Garfield and myself were always appointed for conference, together with such others as we might name. In such committees the duty of presiding always devolved upon me. This was before Garfield was thought of for President.

The report of a Conference Committee is made in duplicate, and is voted on as a whole, the question being in each House upon its acceptance or rejection.

The money asked for by Chandler was appropriated, the archives were purchased and I think they proved of much use. During the war large quantities of cotton were seized by government authority, and confiscated as a kind of property much relied upon by the insurgents as a means of obtaining from abroad arms and munitions of war. Cotton so seized, if belonging to a loyal citizen, or to a neutral foreigner, was paid for after the war was over. Many claims of doubtful merit were made, and those archives were available to determine the status as to loyalty of some of the claimants.

It is presumed these records still remain among the relics of the war in some department of the Government at Washington, unless, forsooth, they may have been destroyed, or surrendered up to somebody, as were the captured rebel flags under the administration of Grover Cleveland.

With very considerable and I may say unexpected unanimity, the people of the seceded states accepted the result of the war, and, with few exceptions, acquiesced, in best of good faith, in the restored authority of the United States.

As early as in my time, a number of persons who had been in sympathy with the rebellion appeared with commissions, in both branches of Congress, and already in the year 1869, there were, of men who had borne arms in the rebel service, fifty-three occupying seats in the House of Representatives and in the Senate no fewer than twenty-two; affording abundant proof of the renewed patriotism of the late insurgents and of the conciliatory spirit of those who had always remained faithful to the old flag.

The real change wrought in the United States Government by the war, was its unification. Before that the literal significance of the motto, *E Pluribus Unum*, was too painfully apparent. From many different parts the nation was made up. It had long been an open question whether we were a nation, or merely a conglomeration of many separate sovereignties, held together by very slight and extremely uncertain cohesive power. The question was seriously discussed in Congress and elsewhere, whether the Constitution was a form of government, or only an easily terminable compact between Sovereign States.

A complete solution of this question came with peace. Not a whisper of State Sovereignty, independent of the general compact, has been heard since. "The reserved rights of the states." so loudly prated about, from a period closely following the adoption of the Constitution down to the time of the rebellion, now received a new interpretation. It had been uniformly construed by the secessionists, including many leading statesmen of the period, as nothing less than the right of a state to withdraw at will from the compact and thus destroy the Republic. The states, as they would have it, were held together by no more than a rope of sand.

But all this is now relegated to the tomb of the Capulets.

We are now as distinctively a consolidated nation as any under the sun and as powerful as any. The Southern States have surrendered nothing but their claim of a right to break up the Union and to overthrow the nation. In all other respects they are as independent as ever.

The subdivision into states, and the further subdivision into counties and townships, is but necessary for the proper operation of the machinery of the great national government, and affords no argument whatever in favor of independent sovereignties. Nor does it in any way militate aganst the wisdom of our magnificent system. As a nation we are no longer in danger of serious disturbance from within or without. Our safety is in our numbers and in our history; our strength is in our resources, our wealth and our patriotism.

This change in our national reputation manfested itself at once. Almost before this country had an opportunity to express its dissatisfaction with the invasion of Mexico and the attempt of Louis Napoleon to set up a monarchy upon the ruins of that republic, its invaders, upon the collapse of the secession movement, hastily struck their tents and moved away; or, at least, so many of them as could make their escape. The whole Maximilian movement was regarded as a most ungracious piece of business on the part of leading European powers, as a bold attempt to destroy the Monroe Doctrine, and as highly offensive to the United States. The speedy attempt on the part of the invaders and their backers to undo their illy advised work, came none too soon. A number of regiments of our now unemployed soldiery without delay were sent down to the Rio Grande frontier eager for operations on the other side of the line, but no occasion for that arose. Maximilian was sacrificed upon the altar of monarchical ambition, and the republic of Santa Anna was aroused from its wonted lethary. Following the example, and perhaps under the guidance, of the regenerated and now free nation of the north, a stable government has been established in the land of the Aztecs.

CHAPTER XXXI

1867

GOAT ISLAND — SAN FRANCISCO'S SOLICITUDE — MY OPPOSITION TO THE GRANT — THE DISAPPOINTMENT — GORHAM — SECRETARY OF THE SENATE — HAMLIN — INDIAN TREATIES,

IT was some time after my election to the Senate that the Central Pacific Railroad managers conceived a desire to possess themselves of Goat Island, in the harbor of San Francisco, as a terminus for traffic purposes of their great system. Stimulated in this ambition they must have been, by the enormous concessions made them during the war and as war measures. They had become quite unrestrained in their desire for government aid and Goat Island fell within the scope of their greed. The Island was a military reservation and it only required the consent of Congress for the Company to take possession of and own it. A bill to that end passed the House of Representatives almost without opposition, it having the support of the California delegation in that body, and of a powerful lobby. When it came to the Senate it found warm advocates in my colleague and in the Senators of Nevada and Oregon, as well as in several influential Senators from States east of the Rocky Mountains. In the meantime the people of San Francisco, who deemed the movement one much against their interest, became thoroughly aroused upon the subject, and manifested their opposition, not only through the public press, but by formal action on the part of the city government, and in various other ways, A most voluminous protest, signed by thousands of citizens, was forwarded to Washington and by me laid before the Senate with explanations.

The War Department was opposed to the concession, deeming the Island necessary for military purposes, and on the further ground that the use of the Island by the Railroad Company, with such changes in the bay as were contemplated, by constructing a solid causeway connecting the Island with the mainland, and by filling in the shoals stretching off to the north, would work serious injury to the harbor. Under these circumstances it was hardly possible for me to favor the bill had I wished to do so, and I opposed it vigorously.

The success of the movement would unquestionably have added greatly to the financial standing of the Company and they were therefore extremely anxious about it.

My opposition at once turned the long existing friendship between the members of the company and myself, into hot displeasure on their part. They utterly ignored the many and most valuable services it had been my good fortune to render to them while a member of the Select Committee on the Pacific Railroad of the House of Representatives, only a few years before. Though anxious to favor them, as old friends and neighbors, it was not possible to serve two masters at the same time, and in this instance the people of San Francisco seemed to have the first claim upon me.

The bill was defeated, and the Island has continued in the undivided occupation of the military authorities ever since.

Whether this determination of the matter was wise or otherwise, has been much questioned; and upon this point I have had my doubts; not because the affair con tributed largely to my defeat for re-election, but because of its effect, commercially, upon the city.

San Francisco failed to gain the advantage looked forward to. The energies of the Company, that would have been expended on the Island, were carried, to the disappointment of many, further away, to Port Costa, on the Straits of Carquinez.

Mention has been made of the transfer to Governor Stanford of twenty-five shares held by me of the original Central Pacific Railroad stock for a small consideration, and it was alleged that had I retained the stock it would have become immensely valuable. That statement may need some qualification. Under any circumstances the shares were highly valuable, and disposing of them was at a sacrifice, but to become of the enormous value alleged would have involved my continuing in active participation in the affairs of the Company, and sharing in the profits of those schemes of financial legerdemain, the Contract and Finance Company, the Western Development Company, the Company organized to handle the Government Land Concessions, and numerous other devices dexterously adopted for converting the enormous bounties of the Government into private ownership. These schemes were kept in the control of a handful of the larger stockholders and resulted in the accumulation of individual wealth to an amount away and far beyond the dreams of avarice.

It is remarkable that the Central Pacific and the Union Pacific Companies, though operating solely on capital furnished by Government, in the form of money, bonds, lands and credits, have never in any manner recognized the interest of the public in their work. They have always acted both in the construction and in the operation of the road precisely as if it were exclusively their private property.

So far as the bounty of the United States was concerned, it was intended by Congress as a loan, but has always been treated by the railroad managers as an absolute donation, and the interest of the public in the road has never received any consideration at their hands.

Of course the construction of a transcontinental railroad was a matter of absorbing interest to the people at large, as, indeed, is any large enterprise, even though accomplished by the use of private capital alone, but the builders of the Pacific Railroad, trustees of the Government as they were, have utterly ignored their trusteeship. They have repudiated their agency and wholly neglected their obligation to their principal, not having even recognized a divided ownership with the public. On the contrary it was early announced through the President of the Central Pacific, that they as sole owners had the right to charge for service on the road all that the traffic would bear. This, of course, was a claim of right to charge any rate without restraint.

Thus out of public bounty, private fortunes have been accumulated almost unexampled in history.

It is conceded that a good share of responsibility rests upupon me for the legislation that has resulted in this anomalous condition of things, but the makers of the law in this case are not more reprehensible than its administrators. The changes in the Pacific Railroad laws, made in 1864 and 1865, while I was a member of the Pacific Railroad Committee of the House of Representatives, were adopted under the pressure of war and as war measures; nevertheless, the interests of the Government were reasonably looked after, as will be seen by reference to those laws still on the statute books. Subsequent generations have permitted abuses to which I have alluded.

It was after this that a little circumstance, not within my control, broke in upon the cordial relations that had for years existed between Senator Hamlin and myself; and there was never afterwards any attempt on either part to remove the cause of his coldness. He had quite peremptorily ceased to extend the usual courtesy on our meeting, and I did not feel it to be my duty, under the circumstances, to break in upon his reserve. The misunderstanding arose out of the appointment of a clerk for the Committee on Appropriations.

My predecessor as chairman of that committee, was Lot M. Morrill of Maine, Hamlin's colleague, and the clerk of the committee, when I took charge, one Amos Pickard, was also from Maine, and an appointee of Senator Morrill's. For something that had occurred in Maine, Pickard had incurred the hot displeasure of Hamlin, and for that reason Hamlin requested me to dismiss him, which I promised to do as soon as I could find a competent person to take the place.

The selection of the clerk was usually left to the chairman, but when I proposed to make the change, other members of the Committee, on account of the efficiency of Pickard, strongly protested against it, and, as they had a right to, balked the movement, at least for some time, greatly to the annoyance of Senator Hamlin, and not much less so to myself. I think Hamlin was hasty in the exhibition of his displeasure, for I was perhaps as much discomfited by the situation as he could have been.

I do not suppose he was ever informed of what took place in Committee touching his *bete noir*, and by his reserve he forestalled every opportuinty for me to enlighten him on the subject.

Hannibal Hamlin was a man of most exemplary habits, but in this very respect he had been, as I learned, unjustly assailed, or believed he had been, by Pickard, hence his animosity towards him. Hamlin was always quick in arriving at opinions and remarkably resolute in their vindication. He may have been a little notional, in some things, as indicated by his never wearing an overcoat, even in the coldest of weather.

Without doubt Senator Hamlin possessed a keen sense of humor, but it was seldom manifest. If he ever laughed, or even smiled, it was when unobserved.

It is related of him, that on one occasion he and a tall companion of his were filling an appointment for a political meeting at a schoolhouse in some remote district of Maine, when not a soul was in attendance besides the two speakers. It was a disappointment, of course, but Hamlin proceeded to write up an account of the affair for his paper in Bangor, and spoke of it as a "large and respectable meeting." To this description his more scrupulous companion objected. "Why," said Hamlin, "there is no one to dispute it, and besides I am entirely correct. You are 'large' and I am 'respectable,' and did we not meet?"

No one ever knew Hannibal Hamlin but to respect him, and his manly form will long be remembered.

The proceedings in open session of the Senate, as of the House of Representatives, in all their detail, were published daily in the Congressional Globe and may there be found; but the sessions of the Senate for the transaction of executive business were held behind closed doors. The doings in those sessions were given out to the public only on rare occasions, when some matter of unusual public interest had been considered. But when that was not the case and secrecy was required, matters would sometimes mysteriously leak out in spite of all precautions to prevent it. Newspaper correspondents were conceded to have a wonderful faculty for guessing out the occurrences on such occasions, often leading to the suspicion that some one unauthorized must have heard what was said in secret session. Of course unwarranted loquacity of Senators was never suspected. Their capacity for keeping secrets was unquestionable, but after this great lapse of time, nearly forty years having past, it can be no inexcusable breach of propriety, to allude, as has been done, more than once, in these recollections, to occurrences of the body in executive session. No one is at all likely to be injuriously affected by such remote disclosures, or question their propriety, when they relate to matters of general interest only.

A subject that claimed attention of the Senate in executive session at about the first one attended by me, was that of the treaties with the various Indian tribes in our territories. To the ratification of these treaties I presented such objections as occurred to me, and action upon them was suspended. It had been the practice of the government, from time immemorial, to enter into these formal and apparently solemn arrangements with the native tribes. The Statutes at Large were burdened with documents of the sort, signed in every instance, on the one part, with a cross, by a number, often a large number, of alleged "Chiefs and Headmen" bearing outlandish names, picked up, it may have been, for the purpose. The pretense for all this was to preserve friendly relations with the Red Man, but it required the exercise of much charity to believe that such alone was the object. I was perhaps the only member of the Senate that had been upon the Plains and learned from observation something about Indian life. Though without occasion to feel otherwise than kindly towards these children of nature, I could not but look upon this business of making formal treaties with them as something ridiculous. I believed the treaties to be promotive of disagreements with the Indian rather than of peace. Treating a mere handful of illiterate savages with all the consideration shown the great powers of the world, rather than as mere wards of the Government, was likely to give them too exalted a notion of their own prowess. Besides, the treaties in their provisions as a rule were fruitful of misunderstandings between the natives and Indian Agents.

It is well remembered that during the prevalence of these treaties Indian wars were terribly frequent, and it is also observed that few if any such wars have occurred since treaty making with the Indians was suspended. It was an easy matter to show the absurdity of this practice, and that was all that was required to put an end to it.

CHAPTER XXXII

1868

THE VETO POWER — LEGISLATIVE AUTHORITY — DEPARTMENTAL ENCROACHMENT— IMPEACHMENT — THE TRIAL

THE first clause of the Federal Constitution declares that: "All legislative power shall be vested in Congress." In like manner the Executive power is vested in the President of the United States and the Judicial power in the Courts. The three departments were designed to act independently of each other. This could hardly have been more clearly indicated. For either, therefore, to exercise the functions of another must be usurpation; nevertheless such usurpation repeatedly occurs. The department most frequently encroached upon is the legislative.

The people have too often viewed with indifference these encroachments. The Executive branch—the President, or department minister— has at times taken a free hand in shaping legislation when the interest of a favored few was at stake, or when corporate authority was likely to be invaded. Instances are remembered when the veto power was invoked to thwart needed legislation, which happened to disagree in some unimportant particular with the personal views of the Executive.

In the early years of the Republic the veto was rarely if ever called in play unless to enable the legislative body to correct some slip, inadvertance, or mistake. When properly exercised the veto is doubtless a wise provision, but it has been grossly misused by some of our Executives. Certainly it was never intended to afford an opportunity for the gratification of the mere whim of the President, or to enable him to promote his individual opinions.

It has come to pass that legitimate work of the legislature, the only law-making power, has been defeated entirely by the arbitrary action of another department. Such abuse could never have been anticipated by the framers of our fundamental law; the language being: "all legislative power shall be vested in Congress." The specific duty of the President is, not to defeat, but to see that the legislative work is effectual, even though it may not accord with his notions.

But not by the Executive alone are acts of Congress defeated. The use of the veto for that purpose has found a parallel in the freedom and frequency with which the Supreme Court has assumed to nullify laws on the ground of unconstitutionality. That Court claims the exclusive right to interpret the constitution and to ascribe unlooked-for meanings to that instrument; and moreover to give their construction, however arbitrary, the full force of a law of the land.

As a matter of fact each individual employed by the government, whether in the Legislative, Executive, or Judicial Department, on entering upon the discharge of his duties, is required to subscribe to an oath, to support the Constitution of the United States; an obligation not less binding upon one than upon another,—not less upon a member of Congress than upon a Justice of the Supreme Court. Each swears to support the Constitution as understood by himself and not as understood by some one else, and surely the Constitution is not so cabalistic and abstruse that persons of ordinary understanding, and capable of performing the duties of a public office, cannot comprehend its meaning. On the contrary it is remarkable for its simplicity and perspicuity. It would be most unreasonable to require an oath for its support were its meaning even doubtful.

The Constitution is essentially the creation of the people. Its opening declaration is—"We the People—do ordain and establish this Constitution." It was created by the people for themselves, and no person, or tribunal, can be presumed to have a better comprehension of its meaning and purpose than the immediate representatives of the People assembled in the two Houses of Congress.

Whether wise or not their interpretation must be conceded to be more in harmony with the views of the common people and with the purposes of the Constitution, than that even of the highest court; the members of which are selected for their legal learning. These exalted functionaries on the Supreme Bench, owing to their life tenure of office, are as far removed from popular influence as possible, and, being but men, are much more likely to sympathize with the powerful than with the weak. Naturally too many of them, by refinement of reasoning in the construction of the Constitution, favor the few as against the many, the rich against the poor.

The disagreement between President Andrew Johnson and the Congress began quite early in his administration and soon ripened into a regular feud. It grew out of the chaotic condition of the country politically that followed the rebellion, a natural sequence, it may have been, of such a war, springing as it did out of party differences.

A belief, or profession of belief, in certain tenets is the measure of one's fealty to party. The tenets of the Republican party were at that time more or less uncertain. Various were the ideas of Republicans about the treatment to be accorded the rebel leaders and about the reconstruction of the seceded states. The whole trouble with the President arose out of conflicting views touching those matters.

Before he succeeded to the Presidency, Andrew Johnson had been regarded as decidedly inimical to the leaders of the rebellion. Hardly any one was thought to be more so, and it was believed that his policy towards them would be much more severe than would have been that of Mr. Lincoln. But Mr. Johnson had not long occupied the Presidential chair before a marked change was observed to have come over him. He took counsel of the rebels and seemed to be especially anxious to conciliate them. Had they, and not the Union forces succeeded, he could hardly have been more deferential towards them. This was displeasing to many of the Republicans in Congress who had not yet overcome the feeling, possibly of revenge, engendered by the sanguinary struggle and by the assassination of Johnson's predecessor.

It was claimed on behalf of the President that he was but carrying out the policy of Mr. Lincoln towards the late enemy, and perhaps he was, for Mr. Lincoln was known to have been one of the most charitable of men. His tender-heartedness was pronounced, and he would doubtless have met with about the same opposition Mr. Johnson was then encountering, had he attempted to to inaugurate a like policy. This I believe, for in his time Mr. Lincoln had been severely criticized by members of the House and by Senators for his extreme leniency toward the insurgents. Mr. Lincoln was himself aware of this weakness, and sought to overcome it in the interest of justice.

Andrew Johnson differed widely from his predecessor in some respects. He was naturally combative, and in the Presidential office was little disposed to conciliate his dissenting party associates. He was sometimes intemperate in his denunciation of them. Instead of quelling it at the start, as he might easily have done, he permitted the conflagration to spread, and even added fuel to the flames by forcing the nomination of Lorenzo Thomas for Secretary of War, to displace such a patriot as Edwin M.

Stanton. The upshot of the whole matter was the impeachment.

Much interest was aroused throughout the country over the matter. Though a most unusual occurrence it was regarded in Washington as a regular constitutional proceeding and was conducted with all the formality required by the gravity of the case. Had the President been removed, the presiding officer of the Senate, Hon. B. F. Wade, of Ohio, would have succeeded him.

The President labored under great excitement during the trial, as did the Secretary of State, Mr. Seward, but had the issue gone against the President there would have followed no popular disturbance. The belligerent feeling caused by it in some quarters would have soon died away.

After a full and patient hearing of the distinguished and exceedingly able counsel for the accused, and after the managers on the part of the House, equally able, were heard, the roll was called and each Senator as his name was announced arose and gave his conclusion: guilty, or not guilty. The test was taken first upon Article XI, supposed to be the strongest; thirty-five answered guilty and nineteen not guilty; one only wanting to make the necessary two-thirds for a conviction. On a subsequent day, two other articles of impeachment were voted upon with a like result. This ended the trial, as it was seen that further prosecution would be in vain. Andrew Johnson stood exonorated.

Six Republicans went with the Democrats for acquittal. I voted with the majority to sustain the accusations. Though among the more radical of my party, I so decided with no pleasure and have since been glad the trial turned out as it did.

I have always thought the impeachment might have been avoided and that Johnson would have gone out of office before he could have accomplished much harm. Andrew

Johnson was a man of kindly disposition, but eccentric, impulsive and obstinate. His errors were to be attributed to his early surroundings and idiosyncrasies.

While the impeachment proceedings may have been ill-advised, it by no means follows that the ground for such proceedings was lacking, or that the House of Representatives was reprehensible for instituting them. The question rather is whether the erratic conduct of Andrew Johnson should not have been ignored by the House and left for the correction of time. The provocation was so great and presisted in with such tenacity that the House could see no alternative but to take steps to stop it.

The matters in controversy related to the reconstruction of the seceded states, and it was feared by many that a revival of the rebellion might grow out of it. The difference was one of public policy and was radical. The view of Congress, as I have already said, was that those states having withdrawn from the Union and made war, could only re-enter it upon such terms as Congress might prescribe, as was the custom in reference to territories.

The view taken by the President was: "That the States lately in insurrection never had ceased to be States of the Union and that they were then entitled to representation in Congress by loyal representatives and Senators, as fully as the other States of the Union and that consequently the Congress as then constituted was not, in fact, a congress of all the states but a congress of only a part of the states." This view, eminently pleasing to the unreconstructed rebels, was widely promulgated by the President. It was set forth in messages to Congress and in numerous public speeches. It was believed by many that he would endeavor to enforce his opinions, and that the attempted removal of Mr. Stanton from the War Department, was a bold step in that direction.

It will be observed that Johnson's attitude on the question pointed directly towards the annulment of the amendments to the Constitution relating to slavery, since those amendments had not been, nor could they be, ratified by three-fourths of all the states if the seceded states were to be included.

The President paid little regard to popular sentiment in the north, as expressed through representatives in Congress and went so far in enforcing his own opinions as to evade a plain provision of the tenure of office law relating to removals, by suspending Mr. Stanton and naming Lorenzo Thomas, Secretary *pro tem.*

As the outcome of much bickering with him, the House of Representatives by its Committee appeared at the door of the Senate, and through the Chairman, Thaddeus Stevens, a feeble old man, with a sepulchral voice, announced: "By order of the House of Representatives we appear before you, and in the name of the House of Representatives and of all the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office; that the House of Representatives will exhibit particular articles, and make good the same, and we demand that the Senate take order against Andrew Johnson, to answer this impeachment." The President of the Senate simply answered, "The Senate will take order in the premises."

After weeks of skirmishing between the seven managers for the House and the five distinguished attorneys appearing for the President, the trial began. The Senate, sworn and sitting as a court, was presided over by the Chief Justice of the United States. The sessions of the court extended through many weeks, occupying the afternoon of each day. The trial was conducted with the most scrupulous regard for rules. Legal formalities were observed at every step. This was required by the Chief Justice and perhaps not less by the numerous lawyers concerned in the proceeding.

A vast volume of testimony, oral and documentary, was introduced, and the arguments of the several managers and of the counsel of the accused were able and lengthy. The speech of Mr. Evarts alone, one of the President's attorneys, consumed more than three days.

The press for admission to the Senate chamber and gallery was so great, that tickets of admission for each day were issued by the Sergeant-at-Arms.

There was one embarassing feature of the case which may have had some weight with Senators in rendering their decision. The crimes and misdemeanors with which the President was charged, were as much directed against the Senate as against the House of Representatives, and the Senate therefore, whether as court or jury, could hardly be deemed an impartial tribunal.

It was common belief with members of Congress that the impeachment, though unsuccessful in removing the President from his exalted place, was not altogether ineffectual for good, since it resulted in a cessation of Johnson's assaults on Congress, and forestalled any further attempt to evade the tenure of office law.

CHAPTER XXXIII

1868

ALASKA — RUSSIAN CLAIM — THE FUR TRADE — THE SAN FRANCISCO COMPANY — BARON STOECKEL — THE PURCHASE — THE TARIFF — PROTECTION—TEA AND COFFEE

THE acquisition of Alaska by the United States was brought about in an unexpected manner. It arose out of negotiations relating to a matter entirely distinct from the question of sovereignty. The transfer of ownership of the territory was not thought of at first and its suggestion came, after much negotiation on another subject, in the nature of a surprise. The fur trade it was that led to a change of flags in Alaska. That trade for all the territory and adjoining seas, had been carefully kept under control by the Russian government for many years. It was farmed out by that government to one company or another for a period of years at a time, and considerable revenue was derived therefrom.

That part of the North Pacific Ocean stretching between Siberia and Alaska was claimed by Russia as a *mare clausum*, or closed sea, and the dominion of the Czar over it was conceded by all the rest of the world. The privilege of gathering furs there was guarded with jealous care, being considered of much value, Otherwise than for fur, Alaska and the islands adjoining were thought to be of little value.

The charter of the company having it in charge in 1866, the Russian American Fur Company, was soon to expire by lapse of time, and a company was formed in San Francisco with the hope of succeeding to its privileges. These San Francisco gentleman were put upon the notion about the business by one Louis Goldstone, a young and enterprising Israelite, who had recently visited Alaska and had spent enough time there to gather much useful information touching the resources of the country, and particularly about the fur trade. Goldstone's ideas about the business were regarded as extravagant, but nevertheless he was able to present sufficient data to render it reasonably certain that a large and lucrative business in furs might be built up. He had much to say about the fur seals and their habit of making annual visits in immense numbers to the islands of St. George and St. Paul, of the Pribyloff group, and of the great value that might be gathered each year from their skins. Goldstone stated among other things, that the company then in possession of the franchise from the Russian Government had been exceedingly neglectful of its opportunities and cared but little for the renewal of its charter. It was hoped therefore by the San Francisco gentlemen, among whom was the Collector of the Port, that by proper management they might obtain from the Russian Government the coveted privilege. As I had lately been elected to the United States Senate, they thought I might be of assistance to them. Doubtless, also, the well known friendship of Russia towards America in the late struggle was taken into account.

With the hope of aiding my San Francisco friends, I wrote Cassius M. Clay, our Minister at St. Petersburg, fully upon the subject, and in due time received in reply a long and very friendly communication from Mr. Clay, stating that he had conferred freely with the Russian Government upon the subject. His letter disclosed a strong desire on the part of the authorities there to accommodate, if not me personally, the San Francisco Company. Mr. Clay referred me for further negotiation to Baron Stoeckl, the Russian Minister at Washington.

On going East, I called on the Baron and found him already advised of my application and very friendly toward the enterprise. The Baron's power was that of a minister plenipotentiary and he was able to talk with authority on the subject. After full and free consultations with the Baron, I regarded the matter as in effect settled in favor of the San Francisco Company and I so informed them. But the charter of the company in possession would not expire for some little time and so the closing up of matters with the San Francisco Company remained suspended for a while.

It was during this period that the scheme for the sale out-and-out of the territory was hatched up. I cannot say where the proposition for the transfer of the country originated, but not with me directly, as has been stated. Of course it was the result of negotiations about the fur business. It is my opinion that the suggestion of sale came from St. Petersburg, through Baron Stoeckel. I first heard of it from him. He disclosed the project to me at my house in Washington, where he came with maps to talk the matter over, evidently thinking the movement would be a disappointment to the San Francisco company and to me as its representative. I expressed no dissatisfaction with the change of program, but the Baron was nevertheless impressed with the idea that it must be a disappointment and proposed to palliate matters; but his courtesy was declined and nothing ever came of it.

It may be presumable that Minister Stoeckl would have stated his proposition to sell the territory to the State Department first, and possibly did so, but that presumption is lessened by the fact of our friendly intercourse about the fur business, with which the Department had nothing to do.

I, of course, could not oppose the purchase, though it seriously interfered with the plans of my San Francisco friends. It was hoped, however, that the adjoining waters would still be considered a closed sea, so far as needful for the protection of the fur seals.

The value of the territory depending on fur bearing animals, if it were that alone, was a fleeting reliance, but its timber also was spoken of, and likewise its probable mineral wealth; no confidence whatever was placed on its agricultural possibilities.

It was probably a fortunate circumstance that when the proposition for sale came before the Senate in executive session for ratification, I was able to furnish considerable information regarding that almost *terra incognita*. Mr. Seward who with Baron Stoeckl agreed upon the terms of the sale, was wide awake for the purchase from the start, but he found it advisable to do a good deal of hustling among the Senators to insure a ratification of the treaty, as the country was to be paid for immediately with a large amount of gold, a scarce article in America at that time. It was deemed necessary on this occasion to make use of argument in the case, quite outside of the treaty itself. That argument was not made publicly at the time, but the many years that have elapsed since, may possibly afford an excuse for my disclosing what occurred in an executive session of the Senate.

Owing to the enormous cost of the war, our national credit was pretty low, and it was urged that our ability and willingness to pay upwards of seven millions in gold at that critical period, for a somewhat doubtful consideration, would show to the other nations and to the financiers of the world, that we were in no immediate danger of bankruptcy. It is quite doubtful, but for the necessity for this bluff, that the confirmation could have been obtained, for opposed to it were certain parties of influence and activity. But this argument relating to the public credit was turned with some force against the proposition, for it was maintained that the expenditure of $7,200,000 in gold, worth, in lawful money, two or three times that amount, for a cold barren region, would be a piece of extravagance tending to impair rather than strengthen the nation's credit.

The friendship of the Russians towards us in our late struggle for national existence, likewise afforded strong leverage in support of the treaty. Baron Stoeckl was hardly less solicitous about the matter than was Mr. Seward, and it was inferred therefrom that the Russian Government was anxious for the consummation of the transaction.

It may be observed here that the acquiring of Alaska was deemed a matter of very great moment to the people of the Pacific side of the United States; and further that it has proved to be of far greater value to the country at large than was anticipated by any one having a hand in getting it.

Not long after the territory came under our jurisdiction, I introduced in the Senate two bills of vital importance to that country. One was, "A bill to provide a territorial government for the Territory of Alaska." The other was entitled. "A bill to prevent the extermination of fur bearing animals in Alaska and to protect the inhabitants thereof."

As early as 1868 an unwonted commotion arose on the Pacific Coast over the subject of Chinese immigration. The excitement extended but little beyond the borders of California and hardly reached the Eastern States at all.

In early days, Orientals, like people from other lands, were welcomed among us, especially if they were of industrious habits. It is remembered that the so-called Celestials, in primitive days, were warmly greeted on account of their quiet and inoffensive demeanor. They were all well behaved and most of them well to do. None of the dissolute class came at first and not many have ever come.

It is vividly within my recollection that in the year 1850 in the procession formed in San Francisco to celebrate the admission of California into the Union, about two hundred Chinamen, all arrayed in long silk robes of various colors, marched in the procession, constituting the most picturesque feature of the celebration. As merchants and business men, the Chinese were distinguished for integrity and fair dealing, and such has always been their reputation in the mercantile world. In after years people of the more objectionable classes found their way to America, and enough of these eventually came to excite an apprehension on the part of not a few native American and of many naturalized citizens, of danger to our civilization. I was always opposed to admitting the Orientals to full citizenship and encountered no little difficulty in resisting the inclination of certain Senators to so qualify them. The argument was that the Chinese, being generally educated and, withal, an industrious people, were better fitted for citizenship than the ignorant African ex-slave who had been furnished the ballot.

Though opposed to the Chinaman's voting, I was less inclined to exclude him from the country; the principal reason therefor being, as alleged, that he possessed to an eminent degree the virtues of industry and economy and was therefore liable to come in competition with citizens possessing those same virtues. Besides it did not appear that the time had arrived for taking back the long and loud boast that our land is "the home of the free and the asylum of the oppressed of all nations." The exclusion policy had thertofore been Asiatic, and it hardly seemed becoming for us to put it in operation in America against one only of the several races of mankind. I did not then believe, nor do I now, that a number of Chinese large enough, or of a class bad enough, will ever cross the Pacific to put in peril our political integrity. To adopt the selfish and exclusive policy formerly so much despised when practiced by them, and which was forcibly broken in upon in the case of Japan, would be on our part extremely inconsistent.

It would justly call down upon our heads all the maledictions we have been accustomed to heap upon theirs, and more, for are we not supposed to be more liberal and have we not an abundance of room and ample occupation for all that come? They never arrive in their own ships, but in ours; they are brought, and do not come as colonists to settle on our soil, but to leave whenever their presence becomes unprofitable or distasteful to us. They are not imposing their religion nor their political institutions upon us.

A distinctive characteristic of tne Chinese, is "to mind their own business." In the Senate December 22d, 1869, I remarked:

"I will go as far as the Senator from Oregon can wish any one to go in favor of excluding from this country, not only from the port of San Francisco, but from all other ports of the United States, any class of population whose presence among us may be detrimental to our morals, or our physical or political advancement. That many persons are imported from China whose presence in this country is not only of no use, but really detrimental to the general welfare, I have no doubt. But there are others who come, distinguished for their industry, their economy, their integrity and their enterprise. We have relied upon them to a great extent in California and the territories of the West for their labor. They have assisted to build our railroads; they have been employed as servants in almost every capacity; and it is difficult to see how we could have got along anywhere near so fast as we have in those industries had it not been for this description of labor."

On presenting a petition, on another occasion, signed by fifty of sixty Chinese firms of San Francisco, asking for a reduction of the duty on rice, an interesting question arose and was much debated upon the propriety of the Senators receiving a petition from unnaturalized foreigners, it being contended by several Senators that such persons can approach the United States government only through the State Department. But it was contended on the other hand that foreigners transacting business in this country were entitled to the general protection of our laws, and it was finally decided that the petition of the Chinese merchants of San Francisco could be received and it was accordingly referred to the Committee on Finance.

The extraordinary demands upon the United States Treasury during the years following the slave holder's insurrection, to meet the interest on the great public debt, and to pay pensions; besides these, our usual current expenditures had grown much larger than prior to the war; and so it become necessary to look for many new sources of revenue. Industries and objects that had never before in this country borne that burden, were now compelled to submit to this exaction.

The Committee on Ways and Means of the House hastily came to the conclusion that the gold mines of California ought to bear their share. This was opposed as best we could by the California delegation, but Thaddeus Stevens, of Pennsylvania, the chairman of the committee was quite persistent, and my colleague, Mr. Higby, as a counter movement proposed that the iron mines of Pennsylvania should be taxed, and made a good speech, not so much in support of his motion as to show the impropriety of taxing the gold mines. There was no little anxiety felt to know what reply Mr. Stevens, who had charge of the bill, would make to Mr. Higby's clever proposition. His only answer was: "I did not think the gentleman from California had so much wit, but I find he has just so much."

Suffice it to say that neither the iron mines of Pennsylvania, nor the gold mines of California were subjected to tax.

Mr. Stevens was a man of the sharpest wit and most ready in debate of any one I ever knew. It is related that when a young lawyer in Pennsylvania, he was trying a case before before a country justice, who ruled against Mr. Stevens on every question raised. Finally Mr. Stevens becoming disgusted, hastily gathered up his books and papers and started for the door, whereupon the justice called to him saying: "Hold on young man. Do you intend by leaving in this way to show contempt of Court?" "No," replied Mr. Stevens, "I am leaving in order that I may not show my contempt."

A revision of the tariff was imperatively demanded, and to adjust it so as to afford some protection to our industries and at the same time replenish the treasury, was always a task of the greatest difficulty. The first thing thought of was to largely increase the number of taxable commodities, and the free list was almost abolished. Nearly every article imported into the country was made to bear its share of the burden, and it devolved upon Congress to apportion this burden as equally as possible.

Eaxct justice in this case, as, in fact, in all cases, was quite impracticable, but it was approximated as closely, I dare say, as could have been done.

The doctrine of free trade, so plausibly argued by Say, by Adam Smith, and by our own Professor Francis Wayland, was ignored as entirely out of the question. The difficulty with that doctrine, so earnestly maintained in this country by a large party before the war, is, that it is based upon mere theory, and takes no account of human society as organized into separate and selfish nations, standing in war array against each other.

Our national debt was the outcome of a great wrong and its liquidation could not be accomplished without hardship. But it is a matter of current history that its reduction was begun at a very early date and had it not been for the alleged necessity for goverment bonds to serve as security for national bank circulation, the debt would have been long since extinguished.

The tariff for revenue is always gaged as near as possible to meet the current demands of the government. As interest on the public debt is one of the demands, the tariff is, in a large measure, governed by the amount of the national debt. As the bonded indebtedness grew less, the exactions on imports were from time to time reduced or articles added to the free list. When the latter course was pursued articles of prime necessity were first and luxuries later exempted. When it became possible to reduce the revenues, I moved to add tea and coffee to the free list, knowing that they were virtually a necessity with the common people.

CHAPTER XXXIV

1868

THE MONEY SITUATION — A BILL TO STRENGTHEN THE CREDIT—NATIONAL BANKS—THE RICH AND THE POOR—CONSTITUTIONAL PROVISIONS — THE NEW THEORY.

THE monetary power of the country during the unsettled financial period following the war was constantly pressing before Congress one scheme or another of its own. Moneyed men are not content with the laws as long as something further can be accomplished in the way of legislation for their gain; and they are wonderfully ingenious in devising schemes to that end. They are ever ready to volunteer advice touching changes in the laws relating to finance. Believe them, and all their recommendations are for the benefit of the people. Wall Street never made a demand on the Government based upon an acknowledged benefit to itself; and it never made one which was not essentially of that nature. Of that character was the demand for National Banks; such likewise the act to demonetize silver, and such later was the demand for an act to declare the bonded indebtedness of the Government, principal and interest, payable in gold coin. That act was brought forward under the peculiar title of "A bill to Strengthen Public Credit." Its real aim was private gain on a large scale. It was introduced in 1868, when gold commanded a premium of about forty per cent. over the current money of the day. There was at the time no call from any other quarter to strengthen the public credit; it was growing stronger day by day. The national securities to be affected by the bill had been paid for, when bought of the Government, in depreciated currency at par, and they were redeemable in like currency. The interest was payable in gold under the original contract; hence these securities were denominated "gold interest bonds," and they were regarded as especially valuable on that account. Now, to make the principal also payable in gold, as proposed, was to render them very much more valuable. It was, in effect, adding the amount of the premium upon gold to the value of the bonds and the gain to the bondholders would be in the aggregate hundreds of millions of dollars.

Notwithstanding the attractive title of the bill, I opposed it, speaking against it at length. The soldiers in the late war, who had risked their lives for the country, were all paid off in depreciated money, as were also the common creditors of the Government, and it will be difficult to find a good reason for this discrimination in favor of bondholders. But the bill passed and became a law. This circumstance is mentioned as showing the overriding influence of moneyed people in matters of legislation pertaining to their interests. But I am able to say that on all occasions when their interest came in collision with the interests of the people at large, the latter had my cordial support.

My concluding remark in that debate was:

"The best rule for all is to pay regard to the interest of all—the poor as well as the rich, to labor as well as to capital, to the unfortunate as well as the fortunate. I fear the tendency of much of our legislation is to make the rich richer and the poor poorer. This is not an unnatural result of the great calamity of civil war and the creation of a large creditor class in the Republic. The rich and powerful are always vigilant and active, while the poor, intent alone upon their own subsistence, are apt to overlook their rights. But the eternal principles of justice can never be violated with impunity. While we render unto Cæsar the things that are Cæsar's, the more humble citizen must not be neglected or forgotten."

Whether my nonconcurrence with members of my party on financial questions was unfortunate or not, time will determine.

The National Bank system became a law before I entered Congress, but numerous modifications of it were proposed, and some made in my time. In that way my attention was early called to its provisions.

In its inception it was distinctively a war measure, and as the country was then in the throes of a great struggle, its terms may have received less careful consideration than its great importance required, or than would have been bestowed upon it under other circumstances.

As stated in a former chapter, I have always believed that the United States alone, under the Constitution, possessed the authority to furnish money, of whatever kind, whether metallic or paper, for circulation; and that the paper money should be in the name of, and on the credit of, the United States. Such money would simply be a government security, and of course as good as the government itself.

It is quite significant that the Constitution provides in terms for punishing the crime of counterfeiting money of that kind. The language is: "Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States."

Gold and silver pieces are only good when they bear the government stamp; without this they are worthless as money. The impress of the government alone gives them character as circulating medium and the impress of the government upon its paper securities gives them a like character. Either kind is the issue of the government and is supported by the national credit, the one as much as the other, paper no less than coin.

It is equally the duty of the government to exercise exclusive control over the making and issuing of paper money, as of coined money, and the one should no more be issued without an equivalent than the other.

Furnishing money of any kind by the Government, without an equivalent, to persons or associations of persons, cannot but be in derogation of the rights of the people.

Should business at any time require a larger circulation, it could as easily be supplied by the government as by individuals. Preposterous is the claim that the government must, under any circumstances, gratuitously furnish persons or associates with money to supply a popular demand, when the government can meet such demand directly and reap the benefit therefrom.

By expressing my dissent to the policy of the Government furnishing money to the National Banks, as I did in the Senate and publicly, I incurred the ill will, perhaps I might say the animosity, of many of the participants in this bounty.

I was never opposed to banks nor banking. I believe them to be useful institutions, but I could never see a good reason why they should receive extraordinary favors from the Government, or why the banks should not do business on their own capital the same as everybody else.

The operation of the National Bank Law is not complicated; it is simple. A citizen, say for illustration, has a hundred thousand dollars, with which he buys United States Bonds; a good investment surely. That citizen, under the law referred to, may enter upon the banking business simply by associating with his own a few other names, and depositing his bonds for safe keeping with the Treasurer of the United States, whereupon ninety thousand dollars are handed over to him in good bank notes endorsed by the Government; money as good in all respects as the United States notes, or as gold or silver coin. For this ninety thousand dollar gratuity he renders no equivalent whatever, save only a small charge for printing. With this large sum of money so generously bestowed, he enters upon the business of banking wholly on his own account; his original capital invested in bonds drawing interest all the while, without abatement. Who can say that this transaction is not, to all intents and purposes, adding ninety thousand dollars or ninety per cent in cash to the wealth of the banker? The government of the United States under that system, has furnished the moneyed men of the country, the National Bank people, hundreds of millions of dollars in cash.

I never could regard this otherwise than a wide divergence from the prime object of government, which undoubtedly is the protection of poor and unfortunate against the rich and powerful. The weak and not the strong are the ones in need of assistance, but they are least likely to receive it at the hands of governments, whether monarchical or republican.

The wrong of this is in the discrimination in favor of the possessors of fortune. This often occurs in the course of legislation as the result of importunity. The rich always have better opportunity for making their desires known than the poverty-stricken.

Absolute equality is not possible in human society. Some are gifted with more talents, or greater ingenuity than others. Some have acquired a better education, or higher skill in some art, or it may be are more virtuous, or conscientious than others. Each individual is certainly entitled to profit by his superior industry, or economy. Men also differ greatly in their capacity for acquiring wealth. It is no ground of complaint if one reaps the reward of his greater exertion in any line of employment. But how is it when the government, with that deliberation which attends the enactment of a law, lends itself to the business of adding riches to the rich, as in the case of the National Banks?

Selfishness may find its authority in human nature, perhaps in animal nature, but the sparks do not more certainly fly upwards, than does selfishness, when gorged by success, lead to a desire for further advantage through government favor. Such advantage is usually sought under the pretense of protection, but invariably ends in encroachment upon the rights of others. It is this tendency that a well organized government should guard against.

It was precisely for cause like this that General Jackson, on behalf of the people, waged war against the money power of his time by vetoing a bill, which had passed Congress, to renew the charter of the original National Bank. He was successful against powerful opposition, led by both Clay and Webster, though the National Bank Law of 1816 was much less discriminating than the one of our day. One strong point made by Jackson was that the stock of those banks was not taxable in the States where they were located; but a like provision is found in the Bank Act of 1862. Various other grounds of objection were strongly urged by the gallant General, but the main one was that it was discriminating legislation, favoring the rich.

It is clear that none but the wealthy can engage in banking, but that occupation, being lucrative as well as useful, men of means would embark in it without the encouragement afforded by government assistance. Should the bankers depend on their own capital alone to carry on business, very many of the United States bonds held by them would with certainty be converted into money, and the Government, by their cancellation, would be saved many millions of dollars in interest.

While in the Senate I received numerous letters from friends and from strangers as well, protesting against the views I had expressed touching the National Banks, but

I was never convinced that I had committed any great error in that regard.

The aim of the American Bankers Association, a powerful organization, has ever been to displace the United States notes by notes of their own; and to that end persistent effort has been made to discredit the former. But to discredit the United States notes is to discredit the Government itself. To the thoughtful such action would appear to be akin to treason, and yet very many have been guilty of it.

In this connection it may be well to mention another neglected provision of the Constitution, which declares that "Congress shall have power to regulate the value of money." This provision, so far as known to me, has never been been observed in the spirit intended by the framers of the Constitution. On the contrary money has always been treated as an absolute standard of value, whereas it is as changeable in value as other commodities, its value depending upon supply and demand like everything else. A standard is something fixed and certain, like a yard-stick or gallon. Money, not possessing this quality, cannot, unless regulated, be a true standard of value. When abundant it is cheap, when scarce it is dear. Bankers recognize this changeable character of money when they speak of the "money market." Treating money in business transactions as a standard of value, when it cannot be such in fact, must necessarily result in great injustice.

Congress has recognized its power over this subject by the enactment of the Legal Tender Law; but that did not go far enough. It did not meet the requirement, by "regulating the value of money." It authorized the payment of debts in a certain kind of currency, without at all regulating the value of that currency. It is within the province of Congress to regulate with great certainty the value of money. It can pass an act authorizing and directing the Secretary of the Treasury to ascertain and promulgate, periodically, say as often as quarterly, or semi-annually, any change that may have occurred in the value of money as gaged by the price of the staples of commerce, noting the per cent., if any, of rise or decline since the last preceding statement. As in the case of the greenbacks, debts could be made payable according to such proclaimed value. If the value of money increased during the pendency of the debt, a fewer number of dollars would pay it; and should the value decrease during the indebtedness, then a larger number of dollars should be required to meet the obligation.

The details of such a measure could without difficulty be worked out by Congress; only the theory is attempted here.

A law of the kind would have a direct tendency to prevent fluctuation in the money market. It would remove all incentive in the money dealers to create such fluctuations, and of course forestall much injustice.

This theory has not, to my knowledge, before been advanced, but that it is practicable I have no doubt. While it would prevent much hardship, no injury could flow from it. Every debt, public and private, could be settled upon the basis of what is actually due, and there would be no ground for complaint. Effect would thus be given to a long neglected clause of the Constitution of the United States.

CHAPTER XXXV

1868

THE WHISKY RING — EVASIONS OF TAX — WHISKY EMISSARIES — RESOLUTION OF INQUIRY — THE DEBATE.

It was near the commencement of Grant's administration that I ran afoul of a whisky ring, and the controversy that arose out of it waxed exceedingly virulent before it ended, as it did finally, in my discomfiture.

The tax upon whisky in those days was enormously heavy, and the inducement to evade its payment very strong. It was early determined by Congress to raise a large share of the revenue out of this traffic. At first the tax imposed was two dollars a gallon, but because of its many evasions, the tax was reduced to one dollar, and afterwards to half a dollar a gallon. The rate even then, as an *ad valorum* tax, was very high, it being about equal to the cost of producing the distilled spirits of commerce. The desire to escape the burden—perhaps from habit—continued with little abatement under the fifty cent tax, and the schemes to accomplish that end were numerous and ingenious.

It will never be known how much the Government lost in those years by a failure to collect the whisky tax, but it is safe to say that it amounted to hundreds of millions of dollars. Some good judges have estimated it as high as five hundred millions, alluding, of course, to the frauds perpetrated during Johnson's administration, when the amount collected was ridiculously small, though the tax was then two dollars a gallon, as well as alluding to the frauds practiced in Grant's term.

Without doubt the revenues were much benefited by the reduction of the rate, but the cheating was by no means discontinued. It had come to be regarded as quite the legitimate thing everywhere, among whisky producers, to defraud the Government. The whisky men of the North were not to be outdone in the business by the moonshiners of the South, and some of their schemes were carried out on a gigantic scale.

With me whisky frauds had been a mere matter of common rumor, until I was brought face to face with them in the manner I am about to relate.

A favorite way of escaping the tax was to ship whisky to a distant port under stamps of a lower denomination than the quality of the shipment called for. Large quantities were thus sent around to the Pacific coast stamped as distilled spirits, or pure alcohol, when in fact they were perfected whisky. In the summer of 1869, a shipment of twenty-five hundred barrels of liquor of that character arrived in San Francisco from the East by way of Cape Horn. Though good whisky, if any whisky can be so called, it was not stamped as such, nor had any part of it paid the whisky tax. Its fraudulent character was suspected by the acting Internal Revenue Collector at San Francisco, who made known his suspicions to the Department at Washington and asked for instructions. The reply received by him was, to have the government assayer analyze the shipment, and if found as suspected, to seize it. Following instructions strictly, the whisky was seized, and, as might have been expected, a great commotion was the result. It proved to be the property of owners residing in Ohio and Kentucky, where it was manufactured, and was, in fact, the ordinary and world wide celebrated Kentucky product. The shippers were influential politicians in their part of the country, and learning of the seizure, lost no time in appearing at Washington to procure its release, relying upon their influence, or such influence as could be brought to bear on the Commissioner of Internal Revenue, who was himself an Ohioan, and very prominent in National as well as Ohio politics, he having been but recently an influential member of Congress. The whisky was not at once released as requested by its owners. The Revenue employees in San Francisco, standing in the way, the next movement on the part of those interested was to get rid of those officers.

The seizure was made by the Deputy Collector, Lucian Curtis; the Collector, Rawlins, brother of General Rawlins, formerly of Grant's staff, having but recently died, leaving the office in the care of his deputy, the most efficient officer in that department on the coast. When, on account of the seizures, objection was made to him, I, at the request of President Grant to designate a successor to Rawlins, named three other very prominent and most worthy citizens of San Francisco, from whom the choice could be made; one of whom was Charles Clayton. At the instigation of the now well organized whisky ring, matters relating to the seizure and the appointment of Collector were held in abeyance, and two of its emissaries, one from Ohio and the other from Washington, armed with authority from the Department, were posted off overland to California, to investigate the seizure, and more particularly to inquire into the suitableness of an appointee for the vacant office of Collector. The report of these emissaries was, on their arrival in San Francisco, as in duty bound, in favor of releasing the whisky, but, what was much more annoying to me, they both joined in a report denouncing as unworthy and unfit to be trusted, all of the men I had named to the President.

Matters had now reached such a crisis that I could see no way to protect the government against this class of frauds better than by asking an investigation of the subject by a committee of the Senate, and accordingly I presented a resolution, for reference to a committee, to inquire into the case. I regarded this course as proper, inasmuch as it concerned in large degree the raising of revenue for the support of Government. Upon this resolution a debate arose which Senator Hamlin pronounced the most unusual that had ever occurred in the Senate; when he was promptly informed that no occasion for such a debate had ever before arisen.

It would not be within the scope of these recollections to give even an epitome of it, but for a full report reference is made to the Congressional Globe, Part I, Second Session of the 41st Congress, Page 452.

Paraphrasing a remark of Mr. Lincoln I may add, that "for those who like that sort of thing it will be about the thing they'd like."

It was impossible to fully discuss a matter of this nature without using plain terms, and in hewing I doubtless paid little regard as to where the chips might fall. None of the Senators took issue with me on the facts, but several of the older ones were not slow to protest against imputations real or imaginary touching their constituents. Mr. Sherman sprang to the rescue of his Ohio constituents, Justin S. Morrill was much concerned about the integrity in office of his old friend, the Commissioner of Internal Revenue, with whom he had served in the other House, and Hamlin was equally anxious about the attitude of the Secretary of the Treasury in the case.

The published record of the proceedings will show to what extent their solicitude was justified, but if I unwarrantably impugned the motives of any high official in the government, I do not remember it, and I now assert my belief, if I did not at the time, that every prominent member of General Grant's administration was far above complicity in whisky frauds. But it is undeniable that friendships sometimes blind us to the faults of others. Few things in this world are more certain than that partizans are prone to vindicate the conduct of their party, and go much further in extenuation of the foibles of party friends than of opponents. This is but natural, and away down at the bottom of this principle is the law of self-preservation. I have not now, more than then, words of praise for the unscrupulous dealers in whisky. To accomplish their purpose of defrauding the government by the shipment of their product to California they sought to destroy the reputation of some of the best men in San Francisco.

The affair was made the pretext of many vicious assaults upon me, through anonymous publications, a thing perhaps not unusual in American politics, but hardly less reprehensible on that account.

It should be added that after some delay the appointment of a Collector for the San Francisco District was made, without my recommendation, a man of previous good reputation. Serving a time he resigned and entered upon the business—entirely new to him—of distilling whisky. The shipment of twenty-five hundred barrels of understamped product was released, and the Whisky Ring, through political influence, triumphed. As already stated I was discomfited.

CHAPTER XXXVI

1869

THE TYBEE — TURKS ISLAND — ISLAND OF SANTO DOMINGO — SANTIAGO — THE GOVERNOR — GENERAL SANTA ANNA — THE COAST — SAMANA BAY — ITS PROTECTION — THE EASTERN CAPES — SAONA.

THE session of Congress in 1869 continued so late in the summer as to leave but limited time to make my anunal journey to California and back, so as to be present at the opening session in the fall; besides, the work in Congress that year had been unusually arduous, rendering it desirable for me to get away from the perplexities of business for a season. Accordingly I accepted an invitation to join an excursion to Santo Domingo. The little steamer Tybee was soon to sail for that island and with a few other gentlemen, including General Babcock and Judge J. P. O'Sullivan, I took passage on her. The Tybee was small, slow and safe. Some of these qualities we first ascertained when out at sea. We weighed anchor in New York harbor late in July and saw no more of land for five days.

There had been much talk in Washington and elsewhere about our acquiring Santo Domingo. During the civil war and immediately following, it was freely discussed as a proper thing for the United States to acquire some country in the tropics suitable for the emigration of the freed population, and Santo Domingo was deemed especially favorable as it lay at our very door. In climate and productions also it was well suited to the African race. Its acquisition, it was believed, would go far towards solving a perplexing problem, then before the country.

The liberated slaves, numbered by millions, constituted a new element in the body-politic to be provided for. It was understood, moreover, that we could now obtain the Dominican portion of that large island almost for the asking. The population there, composed as it was largely of Africans, had been averse to annexation to the United States while it was a land of slavery, but now that slavery had been abolished they were willing, if not anxious, to see the stars and stripes floating over their distracted country. The better class wisely concluded that it would not only contribute to their peace and prosperity at home, but would afford them protection against the further aggressions of Old Spain; which, though but recently driven out of the island, still flanked it on the west by Cuba and on the east by Puerto Rico, still Spanish possessions. It was feared by the Dominicans that Spain would never rest while the Queen of the Antilles remained under the control of a once subjugated population. Their experience with the Spaniards, always distressing, kept them in constant dread of further trouble and now their eyes were turned hopefully towards the United States. These considerations rendered a visit to Santo Domingo at that time much more interesting.

After five days out the Tybee hove in sight of Turks Island, a place noted, the world over, for its production of salt, obtained from sea-water by solar evaporation. Turks Island lies low in the water, no part of it attains an elevation of more than a hundred feet. It is seven miles long by a mile or less in width. The principle settlement is Grand Turk, where nearly all the inhabitants reside, and are engaged in salt making. The sea-water, at high tide, is let into a series of basins, each of an acre, more or less, in extent.

These are separated by earthen or stone partitions, through which openings lead from one basin to another. In the process of evaporation the water is conducted from basin to basin until it becomes very rich with salt, when it assumes a crimson hue. Finally a thick layer of rock-salt is formed on the bottom, which is then broken up, and piled on the sea-beach ready for shipment. The quantity of salt produced here is enormous, and is of a quality to command a good market in many parts of the the world.

Turks Island is an English possession, and the mother country kindly provides a governor whose duty it is to exact a royalty for the water flowing into the basins, and to gather a tax upon the salt when shipped from the island.

Leaving Grand Turk we steamed near another low island, lying on our starboard, called Salt Cay. On the south end of this island is a town nearly as large as Grand Turk. High on the beach here were the hulls of four large vessels, lodged there during a hurricane three years before. This hurricane did great damage, both to shipping and to buildings on shore, carrying some of them bodily into the sea. A product of these and neighboring islands, besides salt, is the sponge, found here in large quantities and of fine quality.

The next morning early we sighted Santo Domingo, and were soon steaming into the picturesque little harbor of Puerto Plata. Immediately back of the town is the cloud-capped mountain, Isabella de Taurre, enveloped with tropical vegetation, only small patches of corn, cane and bananas appearing low down on its side. The whole country as far as seen is mountainous. To the right, barely observable, a road leads through a gap in the mountain over to the valley of Santiago. Away to the northwest is Cape Isabella, and just beyond, we are told, is the site of the old town of that name, the first settlement in the New World. There is no well defined range of mountains unless it is extending off to the east. All the country is covered with a dense undergrowth. The harbor is not large, but lying at anchor in it were a dozen or more vessels, large and small. An old fort at the left of the entrance tells of the former Spanish occupation. The town occupies a narrow valley skirting the bay and but little higher than its waters.

Going ashore, the first thing that claims attention is the large number of carts laden with *serons*, or bales of tobacco; each drawn by a single bull into the shallow water of the harbor, where the load is transferred to lighters, to be conveyed out to the ship-side. Besides the carts, many small donkeys are seen laden with one thing or another. Sometimes the donkey was quite hidden beneath a burden of corn-stalks, hay, or what not, giving the appearance of a moving stack. The principal use of the warehouse is for storing tobacco, brought mostly from Santiago, a town some thirty miles inland.

Many of the buildings in Puerto Plata are comparatively new, the town having been entirely destroyed some three years before by the Spaniards on abandoning the country. The stone foundations of buildings then destroyed are pointed out. People in a tropical country are slow to recuperate from a disaster of the kind. The dwellings are of the bungalow style and little attention is paid to their appearance. The inhabitants are of mixed blood, white and black, the black predominating. The climate is genial and by no means hot, but like all tropical climates, humid and enervating, especially to northern people. This is observable on the sea-coast more than in the interior, the people of Santiago appearing more robust. That city, in the midst of a rich agricultural region, is much higher than Puerto Plata. It has about twelve thousand inhabitants. Judging from the amount of tobacco brought down, it must be quite enterprising. Santiago is called the Paris of the Republic.

With Mr. Gonzales, collector of the port, we called upon the Governor of the Province of Puerto Plata. He was an old man of dark complexion, with white wavy hair, combed straight down on his forehead. He possessed a kindly nature. His home was on high ground back of the town overlooking the sea.

We also made a most interesting visit to General Santa Anna, of Mexican fame. He was in exile, and had been living here for nearly a year. Before that, for eight years, he had resided at St. Thomas. Leaving there he had gone, at first, to Havana, but was ordered away from that place, as he said, at the instance of the American consul; and the General appeared to be much incensed against all Americans on that account; he conversed with us very freely, nevertheless. For a man of his years he was quite vigorous and appeared much younger than he really was. His hair was as black as the raven's wing and as straight as an Indian's; his complexion exceedigly fair, and his dark eyes could never have been brighter. He had a conspicuously high and well rounded, but rather narrow forehead. His getting around was impeded by a wooden leg. and not a very convenient one at that, but with his good right one and a cane he managed it tolerably well. He conversed freely in the English language; said he was a lieutenant in the Spanish army at fourteen, and at twenty three, he in the North, and Iturbide in the South, pronounced for the independence of the Mexican nation. He did not know how many times he had been President of Mexico. He said Maximilian was neither a soldier nor a politician, but only a gentleman, and that the Mexicans did wrong in killing him, as he meant well. The General dressed in style and wore a large diamond breastpin. We found him writing when we called and were told he spent most of his time in that way. His house was of one story and everything neat about it. His household consisted only of two servants. He was said to be extremely fond of the sport of cock-fighting, but was cured of it, for a time at least, not long before our visit, in this way: Some Puerto Rico boys brought over from their island and sold to the

General a string of a dozen or more cocks, recommended to be the best of fighters. He paid for them an ounce ($16.00) apiece. A few weeks afterwards some other chaps from the same island brought over other birds to fight the General's. Of course the General's chickens were beaten and his money lost. The result was the decapitation of his fowls and his giving up the sport.

It is quite the custom here for the people to go armed. This may be one of the outcomes of the many revolutions that have wrecked the island. The weapons usually carried are the pistol and the machete, the latter a short sword. This is principally useful in cutting one's way through the interminable underbrush of the country. Traveling in the island is invariably either afoot, or on horseback, and to carry a pistol is deemed indispensable, but for what reason one can hardly imagine, since there is no visible danger. In no country is the wayfarer less liable to encounter highwaymen.

After an agreeable sojourn of a couple of days at Puerto Plata, we steamed out, following the coast eastward on our way to Samana Bay. The country on our starboard was mountainous, and usually covered with a thick mantle of vegetation, with hardly a human habitation in sight. It seemed as wild as when Columbus sailed over this same ground three hundred and seventy-five years before. In the night we passed Cape Viejo, the last of several similar projections and early in the morning were abreast of Cape Cabron. A little later we doubled the high promontory known as Cape Samana and entered the Bay of that name. At the south of the entrance and only half a mile away, is the small Island and Cape Levantado. From that little island across to the south side of the opening into the bay of Samana, a distance of seven or eight miles, the water is quite shallow, admitting of the passage of only very small craft if any. The entrance to the Bay for ships is along the north side and is narrow.

Just to east of Levantado is a smaller island, not much higher then a ship's deck and as level, a fine place for a battery and formerly utilised by the Spaniards as a camping place. On the north side of the channel is a good location for fortifications, and on a bluff extending well out into the stream are the remains of an old fort. Entering the bay one of the first places on the right is a little cove still called Las Flechas—the arrows—, which name was given it by Columbus, for when he sent some of his men ashore in quest of fresh water, they were greeted with a shower of arrows.

We steamed up the bay near the north shore three or four miles, and found ourselves behind a couple of small islands directly in front of the town of Samana. As usual, the houses were covered with thatch and poorly protected otherwise from storms. An unusual thing observed here, was a little regularity in the laying out of the streets. A few patches of corn and bananas were observable on the super-urban hill-sides, which are crowded with tropical growth. The island, called Carena, half a mile long and a hundred feel in elevation separating the harbor from the bay, is flanked by deep water and is a depository for coal.

It has been Santo Domingo's fate to be frequently distracted by contentions among ambitious politicians. This town of Samana was recently besieged by one of that class, named Luperon, who came in a little steamer obtained at the island of St. Thomas, and meeting with little resistance, he robbed the town. On his approach the people fled to the mountains and were only now coming back. The few soldiers stationed here were all barefooted and almost naked. They used, or, I should say, carried old flint-lock muskets, and a few of the soldiers were equipped with rusty swords. The colonel in command was nearly white, but his followers were all of the opposite color. Luperon surely could not have been frightened away by this force.

The governor of this province, they called him General La Costa, was an elderly native of unadulterated black blood. The large pistol carried by him in a holster, was further secured by a tasseled cord attached to its butt. A similar cord circling his sombrero was his only other mark of distinction.

At Turks Island on our way down we had met one of Luperon's principal chiefs. He was in exile but anxious to be permitted to return to Puerto Plata, his home. The people were very angry at Luperon and a peaceful disposition towards him and his adherents was out of the question.

A marked feature of this country continued to be the dense jungle, impenetrable except by some old bridle-path, or by the tedious process of hewing one's way with the machete through the undergrowth.

It is a remarkable fact that no ferocious wild animals or venomous serpents of any kind, are found in this or any other of the West India Islands. Some domestic animals, however, as cattle, hogs and goats have gone wild on this island; but the most untamed of its denizens belong to the *genus hominis*.

Before leaving Samana Bay we steamed up to near its head. The only level land along its border is on the points jutting out in the bay.

Stretching off to the south and west the land is lower, with mountains in the distance. At the head of the bay is the mouth of the river Yuma, which threads a considerable valley, extending far to the west. The bay is entirely placid, protected, as it is, by highlands, and, at its widest opening into the ocean, by shallow water. It is accessible at all times through the narrow northern channel and is really one of the best harbors in the world.

Returning we dropped anchor a mile from the town of Samana in twelve fathoms of water, and lay there for the night. The next morning early we set sail for Santo

Domingo, passing in succession, Capes Rafael, Macao, Engana, and Espada. The mountains, quite near during the early part of the day, recede from the shore as we go south, leaving for the most part a broad intervening savanna.

Doubling Point Espada we steamed near the pretty island of Saona. We were now in the open southern sea and the weather was delightfully cool, though in midsummer.

CHAPTER XXXVII

1869

SANTO DOMINGO CITY — HOUSE OF COLUMBUS — THE GREAT CATHEDRAL — OLD CONVENT — CITY WALL AND GATES — OLD CHURCHES — THE SOUTHERN COAST — AZUA — THE ARMY — PRESIDENT BAEZ — THE PEOPLE.

THE City of San Domingo occupies an angle formed by the ocean on the south and the Ozama river on the east. It is a sort of bluff elevated about thirty feet above the tide on the ocean side, and rises gradually as you go north, or up the river. It is an ideal site for a city and shows to good advantage when approached from the sea.

The town had an antiquated appearance, more so for being hemmed in by a wall, which, though old and moss grown, was for the most part in a tolerable state of preservation. The height of the wall was about thirty feet and proportionately thick. The buildings of the town, both those standing and in ruins, were of brick or stone, and substantial in appearance. In construction they were not lacking in good taste.

The deep wide mouth of the Ozama is the harbor, and, though small, a good one. Just abreast of our landing, and barely within the wall, was a large edifice, not roofed, and to all appearances never completed. There had evidently been some effort to preserve it in its present condition. It is the building erected by Don Diego Columbus, son of Christopher, and was built in the time of the latter, and while Don Diego was Viceroy. This building we were told was somehow made the pretext for the arrest of the great navigator and his transportation to Spain in irons. This information was gathered on the ground, but the pretext is not vouched for. Just across the river on the high bluff are the ruins of an old castle where Christopher Columbus was arrested.

The principal cathedral in Santo Domingo is indeed a grand old structure. Its erection was begun in 1514 and finished in 1540. It is in the oldest part of the town and occupies the entire south side of the Plaza. Quite irregular in its exterior aspect, within it is entirely symmetrical, and in a good state of preservation. On either side of the extended nave are half a dozen chapels, each accommodated with the usual paraphernalia of the church. The orchestra is near the center of the nave and the main altar at the east end. This cathedral is remarkable for its elaborate silver ornaments, which have been held sacred amidst all the revolutions in the island. In one of the chapels are the portraits of the twelve apostles, larger than life. In another, is the original cross planted on the island by Columbus. It is about twelve feet high and hangs against the wall. It has been hacked unmercifully by memento seekers. It is of hard wood, and whether the original or not, is very old.

Some of the great pillars that support the roof of the cathedral are ornamented with paintings. The tombs in the floor, of which there are many, are old and worn.

At the left as you approach the chancel, is a place marked with a different kind of tiling from the rest. Here the great Columbus lay buried for nearly three hundred years. In 1795 when the Spanish abandoned this place to the French, his remains were removed to Havana. Before his death in Old Spain, he requested that his body should be brought here. It would be but a proper tribute to his memory to again bring and deposit his dust in this his chosen place of rest. But Columbus knew this city in its more glorious days.

In convenient proximity to this cathedral are the ruins of the old convent of Santa Clara, once a very extensive and grand structure. Many of the walls still stand, and a few rooms were occupied by those who had no better habitation.

Of city gates there are four; each spanned by a very flat arch, and about fourteen feet wide by the same in height. Owing to the battlements above them the gates are quite conspicuous. The bricks of those early times were six by twelve inches square and less than two in thickness.

Near the river in the upper part of the city were piled great quantities of logwood, mahogany, lignum vitae and other valuable woods, with which sloops were being loaded, and here also, in process of construction, were several small vessels.

Santo Domingo is a city of ruins. Ruins appear in every direction, many of them exceedingly massive. Interspersed among them are many occupied tenements, much less conspicuous. Like the wall about the city, many of the old public edifices were so substantial as to almost defy the tooth of time. One can hardly conceive how such a sad transformation could have taken place in a city of the New World. But Santo Domingo has been a bone of contention among the nations of the Old World for more than three hundred years, and that together with innumerable revolutions, has made it what we find it today.

Prominent among the ruins, is the old convent of San Francisco, occupying a plateau of some acres near the center of the town. It was in its day a most extensive and grand establishment. It was completed in 1666. Many of its walls, arches, and towers are still standing, but greatly mutilated. Bananas and trees are growing in these once frequented halls and corridors, A few families are domiciled in its coves and angles, but their possession is disputed by goats, hogs, donkeys and other domestic animals. None of the roof, but some of the arches, constructed with great skill, remain. The church of St. Dominica, also very large, in another part of the city, is in a tolerable state of preservation; but the monastery, connected with it, is in ruins, the walls only remaining. Near this are the ruins of a palace, once the governor's residence, now partly in use as a cockpit.

Santo Domingo in its day of splendor, must have fairly rivaled Rome, in the number and magnitude of its religious establishments. It could never have been a very large city, certainly not within its walls, but its population clearly was largely given to religious observances, as evidenced by the number and costliness of these monuments of their piety.

So large a portion of the area within the city proper was taken up with structures of a public character, that a population of fifty thousand would have been much congested within its walls. Nevertheless for a long time this was the leading city of the New World, and a place of great wealth. Its people were at one time as much distinguished for their enterprise as for their wealth. Here were fitted out, at least in part, the expeditions of Pizarro, Cortez and De Soto. The gold mines of this island, it is said, supplied in large measure the wealth required for these enterprises, as well as for the construction of those magnificent old cathedrals, churches, monasteries, convents, palaces, towers, walls, and fortifications. It is claimed these mines were worked with great success, until the discovery of still richer ones in Peru and Mexico drew attention away from them.

Mention should not be omitted of the College of San Juan Gonzaga. It is located not far from the great cathderal. The professors numbered seven and the students about two hundred and fifty. The head of the institution was a man of much learning and of refined tastes.

Two well executed paintings of the patron saint were pointed out as objects of special interest. The college, the chapel and the hall were replete with works of art and curiosity.

The principal military establishment, consisting of arsenal, magazine and quarters for soldiers, occupies the space bounded by the bay, the river and the main street, a promontory in fact. Inside the inclosure are many old cannon, all rusty and unfit for use, a few old bronze pieces of the earliest make, and two very large ones, together with heaps of shot and shells, old and rusty. Midway of the inclosure on the river side is the old castle; the state prison of Dominica. In it were confined many prisoners, how many no one knows. We were not allowed inside, but could ascend by outside stone steps to the top. Within, as we could see through the strongly barred openings, were many prisoners, held, as we learned, for political offences. Many such had fled the country and some had taken refuge in the foreign consulates. Dominica was called a republic, but was hardly such, either in form or substance. All political power was, for the time being, in the hands of the one who happened to be at the head of the government, together with a little coterie, constituting his *senatus consultum*. At this time it was President Buenaventura Baez and his counselors, Goutiere, Del Monte, Hungria and Curiel. Besides these, Baez had the support of others who hoped to profit by their allegiance. It was currently reported that he had been invited back from exile, at Curacao, to take the head of the government, but it was also said that his coming was the result of scheming. Ceritanly it did not look well to see so many political prsioners, and men in exile to escape his displeasure.

His rule was more or less a family affair, one brother of the President was governor of the province of Santo Domingo; another, governor at Azua, a third was in military command of that department and a fourth held some other office.

President Baez at the time of our visit was away on a military expedition near the borders of Haiti. Wishing to see him we set sail in the Tybee to the westward, following along the southern coast of the island, and near enough to the shore to afford us an excellent view of the country. From the low bluff all along, the land rises gently back for many miles before the mountains are reached. The intervening space, though evidently rich in soil, is apparently uninhabited. It is covered with a dense growth of vegetation and is, to all appearances, a continuous jungle. The mountains, not very far away, are in places lofty.

We passed first, Point Najago; next Palanque and then Nisao, near which a river by that name pours a considerable volume of water into the sea. Further on we passed Point Salinas and entered Caldera Bay, back of which is the harbor of that name, large enough to accommodate a fleet of many vessels. Not long since, we were told, forty Spanish vessels rendezvoused there.

Here much salt is made, as observed in large white heaps on the shore. We were now under a vertical sun, but, owing to the trade winds, the temperature was most agreeable. Leaving this Bay we sailed near the mouth of the Ocho river, where quantities of valuable woods, brought down from the interior, are lightered out to ships anchored near by.

Our next point was the Port of Azua, where arriving before night we observed some crude defensive works, constructed of barrels and bags filled with sand, designed for the protection of the place against Luperon, whose approach from the sea was feared.

Azua is a league inland; and General Carlos Baez, brother of the president, with a small cavalcade, including a mounted bugler, came down to meet us and escort us up to the town. After some delay in assigning horses for our use, we rode at a rapid pace through a continous arbor, formed by overhanging trees, all the way to Azua. Our entrance into the town was preceded by the bugler. All the people were out, and many soldiers on parade.

At the headquarters of the President we dismounted and were presented to His Excellency, who received us out out of doors. Baez is a rather small man, with a tincture of African blood in his veins. His manners were those of a gentleman, embellished with a profusion of Spanish politeness. He was familiar with the Spanish and French tongues and understood English better than he spoke it. Besides a good education, he possessed all the intelligence his station required, and was not more suspicious of strangers than heads of government usually are. It was clear he was making the most of his opportunities, considering the materials he had to work upon. His business here was fit out an expedition against the Cacos, who, under a rival chief, were gathering on the border to the west and committing depredations. Baez had a force of about two thousand men. They were robust fellows and, owing to the constant use of the machete, expert swordsmen. Only a few of them were furnished with firearms. No allusion can be made to their uniforms, for they had none. Shirts were not more plentiful among them than with Falstaff's command, but they were as well provided with shirts as with other garments. They were not otherwise shod than with sandals, but that is not saying they were all so shod.

Here in Azua are some long streets bordered with thatched houses; hardly any others being visible. The town is situated on a gravelly slope at the base of a mountain. The river Via runs through it, that is, when there is any water in it to run, which occurs only part of the year. This is said to be the dryest portion of the island, it not being visited by frequent rains.

One of Baez's officers was General Brigman, a half-brother of our General Rosecrans, and another was General Garcia; in fact Generals abound here.

This island has not been free from political disturbances for ages. If not incited from without, revolutions spring up, like the vegetable growth, spontaneously. Its present trouble arose from the contentions of three leading spirits in the republic, Gabral, Luperon and Baez, the latter now, in the ascendant. In the recent past there was another, named Pimental, not, however, at present in the country.

Baez is now at the head of affairs for the fourth time and is by no means easy in his place. He would gladly get out of his troubles and purchase peace for his people, by ceding jurisdiction over his portion of the island to the United States.

The Dominican domination covering three fourths of the island, had at that time an indebtedness amounting to about a million dollars, which would have constituted the entire cost of its acquisition by the United States. But this would have involved the support of Baez in power, until the transaction could be completed, a matter of no difficulty.

In the morning we bade Baez and his coadjutors goodbye and were soon at the sea side and on board the Tybee. Long before night we were in front of Santo Domingo, of which we had on approaching a most magnificent view. We could readily believe that Columbus was so charmed with it as to desire it for his final resting place.

The people of the capital were expecting Baez and were out in force to greet him. The better element of the population appeared on the occasion. A military force, not unlike that at Azua, was on duty, not more to prevent than to court an insurrection.

The people were little favored with diversions aside from attending church and going to war.

The number and magnitude of the churches, as already observed, was remarkable. There were eight or nine in use, besides those in ruins. The priests here were not well paid; could not be. Many we were told, had left with the Spaniards for the want of maintenance. It is creditable that the people were fond of, and gave much attention to music. Their meetings for amusement were rare, and usually in an old theatre which had the external appearance of a church and, in fact, had been built for one.

The wonderful sparseness of the population in the country was everywhere observable, the result, no doubt, of the long continued chaotic political condition of the island. It once had a population of millions, and in its time was immensely prosperous for a tropical country.

In many wide localities its soil, exceedingly rich, had produced in abundance the most valuable articles of commerce. Besides the yield of its soil and its commercial advantages, its mineral wealth is well worth considering. That consists of copper, gold, and other metals. In excellency of climate no tropical country can surpass it. The mercury never goes above 85°, and seldom below 60°, which seems quite cold in this latitude.

So frequent have been the allusions to African slavery in these memoirs, that it may not be out of place to speak of its origin in America, which occurred on this island soon after its occupation by Europeans. It came from the best of motives. A most worthy and benevolent bishop, Las Casas, lived in the City of Santo Domingo, and spent his life in the work of Christianizing the natives. It is generally believed, though not absolutely authenticated, that, in order to relieve the Indians from the oppression of their masters, he was instrumental in bringing from Africa negroes to take the place of the native slaves on the plantations; hence the beginning of the traffic in the inhabitants of the dark continent.

There may be a doubt about the participation of Las

Casas in this bad business; but there is none about the fact that he spent his life in Santo Domingo, comforting the poor persecuted natives and in contending against the tyranny of their oppressors. The Indians were a simple and inoffensive people and in vast numbers when found by Spaniards. They were almost at once reduced to servitude, and unaccustomed to such labor as was exacted of them, a great many perished, to the infinite distress of the Bishop.

All the people seemed to realize the unfortunate political condition of the island and to wish for something better. The government was one of force and nothing more. Opinions adverse to the party in power were not tolerated; openly indulged in, imprisonment followed, or it might be revolution.

These islanders are a brave people, strictly honest, and virtuous as they understand virtue, though marriage by ceremony is often omitted. That they have suffered beyond all estimate by wars, need not be said. While civil contentions have been especially disastrous, they have not been lacking in the scourge of foreign wars.

As a usual thing the Dominicans have been more than a match for their belligerent neighbors, the Haitians. Only a few years before the time of which I write, the Dominicans under the lead of Santana defeated a much larger force of Haitians under Soulouque near Azua, but this same Santana made a grave mistake a little later in consenting to the restoration of Spanish rule over his country.

The attempt to maintain dominion over the Queen of the Antilles cost Spain thousands of lives and millions in money. Their rule at first was mild, but presently lapsed into the practice of unexampled oppressions, when the brave Dominicans, few as they were, arose and drove them out again. On leaving, the Spaniards with unheard of malignity, burned and destroyed as much property as possible, including churches and public buildings.

At the time of our visit Buenaventura Baez, as already hinted, was by no means secure at the head of the government. There was danger of his three competitors, Gabral, Luperon, and Pimental combining for his overthrow. Gabral with an armed force was threatening the border, but was not likely to succeed without assistance. While operating alone he was not greatly feared, and the same was true of the others.

There was at this time no legislative body in existence in the island, nor provided for, to take action in the matter of ceding the sovereignty, but the people of all parties for peace sake were anxious to welcome the supremacy in their land of the great Republic of the North. President Baez himself, with possibly more love of country than personal ambition, was especially desirous of this result. As the head of the Government, he had carefully considered the subject and was hopeful to consummate that disposition of his country. It is fair to believe his motives were strictly patriotic and free from the element of selfishness, and that his solicitude was, as he averred, to provide for the welfare of his people. Nothing further or beyond that was uttered or intimated in our interviews with him.

CHAPTER XXXVIII

1869

THE REPUBLIC OF SANTO DOMINGO — PROPOSITION TO ANNEX — UNEXPECTED OPPOSITION AT HOME — SENATOR SUMNER — SACRAMENTO SPEECH.

The continued chaotic condition of Santo Domingo up to this writing, its unfortunate political experience, and the talk in public places at this late day of acquiring the island, but on much less favorable terms than were offered thirty-five years ago, must be my apology for adding still another chapter on the subject.

The proposition to annex Santo Domingo to the United States had been suggested, I think, by Judge J. P. O'Sullivan to General Grant, early in his administration, and it was probably on that account, and to obtain further and more definite information on the subject, that the President's private Secretary, General Babcock, made the trip, and it may have been for a like reason that I was invited to go along. The object was to gather facts regarding the island and its people, and to ascertain their temper towards this country, rather than to enter into negotiation for annexation.

On our return, and when the annexation of Santo Domingo became much talked about, busy tongues gave our visit a very different interpretation from the real one, and sinister motives for the journey were by some unthinking persons ascribed to us. Men in public life are apt to have enemies and too often unscrupulous ones. Such, before the meeting of Congress in the fall, became quite loud in their denunciation of the "Santo Domingo Scheme," and of all the persons, not excepting the President, who were supposed to feel a special interest in it. The motive for this was political and personal, and the public welfare in such cases is often entirely overlooked.

When Congress assembled the matter of acquiring Santo Domingo was brought to the attention of the Senate by the President, and abundant reasons in favor of it were presented, but the proposition was vigorously opposed by Senator Sumner, chariman of the Committee on Foreign Relations and by a few others, including the eloquent Carl Schurz. Mr. Sumner possessed many virtues, but was a man of remarkable egotism. The President, in all probability, without much thought of Mr. Sumner, had entertained suggestions for annexation, and possibly had entered into negotiations on the subject before conferring with the Honorable Chairman. Mr. Sumner looked upon this action of the President as a slight and an incroachment upon his prerogatives. His opposition was virulent and uncompromising, and the measure was defeated.

Rather than essay, at this late day, to give what occurred in executive session of the Senate on the subject, even if it were proper, I may be excused for quoting from a speech made in Sacramento, in 1872, while all was fresh in my mind. It is taken from the Washington Chronicle of October 18th, of that year:

"Hon. C. Cole has contributed several able addresses to the Republicans of California during the pending campaign, which have been published by the leading dailies of that State, after being listened to by enthusiastic meetings of citizens of both parties. At a mass meeting in Sacramento City, on Saturday evening, 5th instant, the distinguished chairman of the Appropriations Committee reviewed the history of General Grant's Administration, producing facts and figures to sustain his argument, and detailing incidents with which his official relations with the President made him familiar. We have only room at this time, however, for his remarks relative to the 'Santo Domingo Scheme,' so called, which presents the subject in a clearer light than we remember to have seen elsewhere. After alluding to our relations with the great Powers of the earth, Senator Cole remarked:

"'It is owing, in great part, to the well-directed influence of our Republic over Mexico that it has apparently an established Government there to-day. This Administration understands it to be the duty of the United States to manifest toward the younger republics of the world a degree of paternal regard rather than that jealousy and ill will, which too often disturb even fraternal relations. It was in strictest harmony with this idea that the Santo Domingo negotiations were inaugurated. The movement originated with the authorities of that country alone. They had been harassed by intestine disturbances, by neighboring jealousies, and by foreign interventions until, almost exhausted, they turned their faces toward the great free Republic of the United States to find that rest which had been in vain sought in almost every other direction. The Republic of the North, as it was called, had just shown its devotion to freedom by setting at liberty four million souls, and had thereby won the admiration of the people of Dominica, than whom no people on earth have a keener appreciation of human rights. The common error that the "Santo Domingo Scheme" had its inception with the Grant Administration ought to be corrected, and I take pleasure in correcting it, as far as I can. Nothing could be further from the truth. But the motives which led that Administration to entertain the proposition of the Dominicans for annexation were equally justifiable with those which induced the making of these propositions. The West Indies lie at our very door, and almost blockade our harbors. They are in the path of our commerce with Central and South America, as well as in the line of that with the East Indies, whether carried on via Cape Horn, or the Cape of Good Hope. Indeed, our commerce with the West India Islands themselves is vast, almost beyond estimation. But notwithstanding our business relations and proximity to these islands, and their immense number and extent, we have no foothold in any one of them. Nearly every other leading nation has its outlying possessions there, but the model republic, with her forty million population, is entirely excluded. The unfitness of this thing appealed strongly to the national pride of the President. He could not see why the United States, any more than Spain, England, France, Germany, Denmark and other despotic powers of Europe, should be debarred possessions in those strictly American islands, and when the offer was made for the annexation of Santo Domingo, the fairest, the richest, the most central of the group, without price and without conditions, what wonder that he looked upon it with favor? Fresh from the command of the armies in the field, and now the Commander-in-Chief of the navy as well as the army, he could but see in the acquisition of the bay of Samana a naval station of the utmost importance to this country. It would have been almost criminal in him to have forgotten so soon the annoyances to us during the rebellion, springing from the British towns and islands of Nassau and New Providence, all of which would have been avoided had we but possessed one naval station like Samana in the West Indies.

'The President, in all this Santo Domingo business, was moved by the highest considerations of patriotism, and I say what I know, when I assert that the project was in all respects defensible and as free from objection of every sort as any project for the annexation of territory ever entertained in this country. To be sure it was attacked most violently by Senators Sumner and Schurz, and by politicians of less caliber in or belonging to California, as well as elsewhere, but the motives of its chief assailants, if not at first so well understood, were afterward developed into mere personal spite and political jealousy.

'So violent were these assaults upon the President and other promoters of San Domingo annexation that he was compelled, in order to protect his own fair fame as well as that of the Government, to ask Congress to send a commission to that country to investigate the transaction.

'That expedition was headed by three of the most worthy men of the nation, President White, of Cornell University; Dr. Howe, the humanitarian, of Boston, and Frederick Douglass, and the Government ship in which it sailed was literally filled up with men fully bent upon finding out and exposing to the world everything and anything of an improper character connected with the so-called "Santo Domingo Job." After a most searching and thorough investigation, to which was devoted an abundance of time, as well as the highest talents for such duty, the whole Santo Domingo movement was reported by every man of the expedition in the most favorable light. The President and all others connected with it were fully vindicated and it would seem as if the tongue of calumny ought to be forever stilled in reference to that matter. But whether it will be or not, Heaven only knows. It seems, however, likely to remain the subject of Democratic song till after the election.

'Slavery, like Spanish rule, having been driven from every part of the North American continent, had refuge only in the islands of Cuba and Puerto Rico. Here it remained intrenched behind the traditionary past, awaiting the approach of a higher and better civilization, which every thoughtful mind foresaw must sooner or later overwhelm it. Santo Domingo lies immediately between those two Castillian possessions, almost within a stone's throw of either, and commanding both. It always seemed unaccountable to me, that Mr. Sumner, whose life has been devoted to liberty, and whose abhorrence of slavery is undoubted, could not see that to raise the American standard on Santo Domingo was the signal for the destruction, and the sound of Yankee Doodle the death-knell, of slavery on those islands. If he had desired the extirpation of the last vestige of that sort of oppression in the new world; if he had sincerely wanted to strike it hip and thigh, front and rear, he could in no way so soon or so well have accomplished his purpose as by joining Santo Domingo to the United States.

'The assumption that President Baez was a usurper, and did not reflect the wishes of his people, was as hollow as the pretense that the Haitian portion of the island, left to itself, was averse to the Dominican movement. The real opposition came from European sources. I have no doubt in the world that it was instigated by agents of the Spanish Government; though I by no means believe that Senator Sumner was aware of that fact. The result of the Santo Domingo movement may be summed up in these words: "Destroyed by falsehoods."

'It is among my early political recollections that the proposition to purchase Cuba, at a cost of $250,000,000, was seriously considered in this country. But when we could obtain Dominica, the fairest portion of the West Indies, when it would come to us by the united voice of its inhabitants, and without price, we rejected it. We sought Cuba, incumbered as she was with slavery, but we reject the Queen of the Antilles, robed as she is in the garments of liberty. I can not tell what view may be taken hereafter of the Santo Domingo question, but I am sure, if history is ever fairly written, and correctly understood by the American people, General Grant will be far more blamed for his failure than for his effort to obtain it.'"

CHAPTER XXXIX

1870

GRANT AND SUMNER — PROFESSOR J'S LETTER — FRELINGHUYSEN — MOTLEY — NATURALIZED CITIZENS — BANCROFT'S LETTER — AUSTRALIAN MAIL — CLOSING SESSION.

It is part of the political history of the times that much ill feeling sprang up between President Grant and Senator Sumner. In public matters Sumner was inclined to be dictatorial. His experience in national affairs was extensive and he regarded himself, with some show of right, as one of the main, if not the most important, pillars of the Republic. He had almost suffered martyrdom in the cause of freedom, and his zeal for the liberty of mankind was not surpassed by that of the most bigoted Mohammedan for his religion. But he was little inclined to concede the right to equal zeal, or independence of opinion, in others. It was not a matter of belief merely with him, but of absolute knowledge, that he was right, and the profound sincerity of the man could never be questioned. His positive manner of asserting his views led to frequent wordy collisions with Conkling, Carpenter, Fessenden and others. His manner was distasteful also to Trumbull, Howe, and Western Senators generally. This inharmony culminated in his displacement as chairman of the Committee on Foreign Relations.

Of course, the confirmation of nominations for the foreign service and the ratification of treaties with other powers, came before the Senate, but first had to pass under the scrutiny of the Committee on Foreign Relations, and especially of Mr. Sumner as its Chairman, and he came to regard himself as rightfully in control of, and as responsible for, pretty much every thing pertaining to that branch of the public service. Being a man of much learning, his competency to deal with such matters was beyond question.

When General Grant came to the Presidency, Sumner could not but look upon him as a novice in foreign affairs and assumed the role of dictator regarding them. This was not pleasing to Grant. It did not harmonize with the General's custom of consulting his own judgment in all matters where he alone was responsible, and of himself directing persons of inferior rank. And so the feud grew.

The absolute independence in thought and action of Mr. Sumner in matters pertaining to our foreign relations, inspired as he always was by a strong American sentiment, commanded the admiration of all who knew him. He was bold in his enunciation of policy and rarely wrong. In our own misunderstanding with Great Britain, following the pro-slavery war, Mr. Sumner advocated our demanding a much larger compensation for the destruction of our commerce than was obtained. He should have been made a member of the Joint High Commission, and it is my belief the terms of the treaty of Washington would, in that event, have been much more favorable to this country.

Sumner's removal from the Chairmanship of the Foreign Relations Committee was much criticized and by many good people disapproved, but on the other hand it was fully justified by others.

I received at the time from a highly esteemed New England College Professor, to whom I was much indebted for instruction, a letter from which I quote:

"I was exceedingly glad to see your name recorded on the right side—as I regard it—of the great Sumner question in the Senate. Mr. Sumner is forsooth, 'degraded,' 'deposed,' disgraced.' Oh! By whom? I suppose the present is a new Congress and the committees new. How then can it be, if a member of a committee is not reappointed to the same position he occupied before, he is 'deposed,' 'degraded?' Because Mr. S. has held a responsible place a long time and has done decently well, does it follow that he is entitled to the place forever? or as long as he may be a member of the Senate? I think not. If some members have appeared to think so it is time they were undeceived.

"Mr. Sumner is an able man and a profound thinker, but in my opinion of only moderate ability as a statesman. He has an iron will and an opinion of his own on topics of public interest and the ability to spread his views to advantage before the country, but I have little confidence in his judgment. As a politician he is only third rate, and but for the abuse of the ultra Southerners, would long since have been 'deposed' from the office of Senator by failure at the election. But Massachusetts does not forget representatives when abused as he was some years ago and if Mr. S.'s friends are determined to keep him in the Senate, let them set upon him again some Southern fireeater.

"I don't think the administration has suffered very much by the Motley correspondence, and I do not think they will from this matter of Charles Sumner.

"More than this; with such information as I have, I go for the annexation of Santo Domingo. I am glad to perceive by the papers of to-day, that the commissioners are already on their way home."

I cannot fully concur in all of these opinions of Professor J., but an allusion or two of his, suggests the fitness of extracts from letters of mine written a little before that.

JULY 1. 1870

The Santo Domingo treaty was defeated to day by a vote that indicates its perpetual failure. A majority were for it, but far short of the requisite two-thirds.

Williams takes his defeat—for Chief Justice—in good part. I am rather sorry for it. We are all anxious for the 15th to come, but more anxious about business pending in Congress.

JULY 14th, 1870.

It is now 9 o'ck, Thursday night, and we shall probably remain in session continuously till to-morrow noon, the hour fixed for adjournment. It is fearfully warm. The Senate is all excitement but most of it arises out of executive business. Frelinghuysen has been sent in for Minister to England, in place of Motley, recalled, and that creates considerable feeling on the part of New England men and some others. It doubtless comes from Sumner's opposition to Santo Domingo. Besides, New Jersey already has much for a Democratic State—a cabinet officer, Robeson, just lately a Supreme Court Justice and other high appointments—and she has also Long Branch! The opposition is not against Frelinghuysen, but against New Jersey, and in favor of Motley. Grant often forgets to act justly. He is not always a wise politician.

JULY 15, 1870

We are in executive session and the case of Frelinghuysen for Minister to England is up for confirmation. Sumner is a warm friend of Motley and is defending him in a very able speech. He shows his love for Motley, and at the same time has a high regard for Frelinghuysen, whom you know well. He is a polished and very courtly gentleman and the case is embarasssing. It seems certain the proposed change is a blow at Sumner, and is struck on acccount of Sumner's opposition to the Santo Domingo

Treaty. I must regard it as a very injudicious step on the part of Grant. Sumner will consume all the time that is left. The Senate listens attentively. F. will be confirmed but many will vote reluctantly."

Frelinghuysen was confirmed but did not take possession of the office. Mr. Motley continued to discharge the duties of Minister to the Court of St. James.

In the latter half of the decade of the Sixties it was not an unusual occurrence for a naturalized citizen of America, on visiting his native country in Europe, to be arrested and held for years for military duty. This claim of right on the part of a number of the Continental powers was exercised to the great distress of several very worthy residents of the Golden State, and it became my duty to intercede on their behalf, which I did without the least hesitation. The doctrine of "once a subject always a subject" did not at all accord with my notions of the right of a person, in the exercise of his natural volition, to visit any part of God's footstool, and to stay as long as he behaved himself. I believed his allegiance was due to the country of his choice and nowhere else. That the selection of his home was his natural right and a right superior to that of any prince, potentate or power on earth; and that when he foreswore allegiance to all such, in the United States, he became invested with all the rights and privileges of an American citizen. These views were freely promulgated. They were pressed upon foreign governments by the State Department, and were also pushed by me in my capacity as Senator. Much pressure was brought to bear, in a diplomatic way, upon the governments making the claim. They seemed extremely reluctant about yielding the point, but I believe it has now been conceded by nearly all of them, and that any naturalized citizen of the United States, may, without danger of arrest for military service, visit his native country.

The following letter was duly received from a distinguished historian:

AMERICAN LEGATION, BERLIN, MAY 29, 1868.

Dear Sir:

Mr. Reichardt, one of your constituents, is distressed by writs issued against him in Bavaria, against which he has invoked my protection. His case is included under the treaty which I have framed in Bavaria and which I forwarded to the Secretary of State on the 26th. The treaty, as explained by the accompanying protocol, will, I am sure, be satisfactory to you. So soon as it is ratified I can demand, as a right, the security of which your constituent and many others stand in need. I therefore hope for his sake that the Senate will act upon it at once.

Meantime his case must await their decision.

I remain, dear Sir
Yours sincerely
GEO. BANCROFT.

The treaty was ratified without delay and its principles were recognized by other powers.

On the 31st of March, 1870, I introduced a bill in the Senate, "To authorize the establishment of Ocean Mail Steamship Service between the United States and Australia. On my motion the bill was referred to the Committee of Post Offices and Post Roads of which I was a member. In due time it was approved by the Committee and reported back to the Senate, where, on the 9th of July, the bill being under consideration, I made it clear, as I think, in a speech, that the advancement of our navigation interests depended upon facilitating and expediting communication by water between commercial countries.

The opinion very generally prevailed at the time, that our lost commerce was to be recovered by increasing our tonnage, and various measures were proposed to that end, such as offering bounties for ship-building, by exempting from duties all imported ship-building materials and so forth. But this did not seem to me to meet the case, and to illustrate the subject, as well as for brevity sake, I will give a paragraph or two from my remarks on that occasion.

It must be remembered that this was years in advance of the successful laying of ocean cables. I said:

"The marvelous growth which began in our commerce some thirty or forty years ago was attributable more to the peculiar construction of our vessels than to any other cause. The architectural skill displayed by our shipwrights was a long stretch in advance of that displayed by any other people, the Baltimore clipper, whose remarkable speed wrested from the nations of Europe a large share of the commerce of the West Indies and of the South Atlantic coast, was the first step; but from that we advanced to the swift-winged clipper ship. The grand triumph of the naval architecture, with the aid of Maury's charts, showing the currents of the ocean and the air, could double either of the southern capes in half the time required by the old hulks of the period.

"As a consequence, other nations, even the British, were compelled to use our ships for their carrying trade, and our tonnage increased from 3,772,000 tons in 1850 to 5,212,000 tons in 1855. In 1861, when the rebellion broke out, our ocean tonnage was swollen to the enormous amount of 5,539,000 tons. In 1850 a fact exceedingly flattering to us was declared in the English House of Commons by John Bright; namely that 'the finest vessels which are at this moment performing the voyage between England and the Australian colonies have been built in the United States; in ship-building the United States not only compete with, but in some respects excel, this country.' This was before we had reached the highest degree of perfection in the art of ship-building, but it was an era of triumph, for we were even then able to defy competition. By means of those mighty agents of commerce, clipper-ships, we could supply the best markets of the world long in advance of those who depended upon the old style of vessels to carry their cargoes. But a great change has since taken place. Maury's charts are out of date; the age of clipper-ships is past. It has been succeeded by the age of steamships. The sail no longer, but the engine, is the reliance of the mariner. At this moment vessels driven by steam are cleaving the waters of every ocean; and if we fail to adopt that method of communication we shall not only remain behind, but fall further and further in the rear of other nations. If by any means we can excel in that kind of ocean conveyance we shall again assume the proud preeminence we enjoyed when the construction of clipper-ships was virtually a monopoly with us.

"The great point to be gained is to outstrip others in the rapidity of communications. In commerce everything depends upon expedition. Without that it cannot be successful, The tardy ship will find the market supplied by more energetic competitors, and ruin to her owners is sure to follow.

"Those who believe that our business upon the ocean is to be regained by simply multiplying the number of our vessels, or by adding to our tonnage, have fallen into a grievous error. Success depends alone upon the style of the ships—upon their speed and capacity. If a bounty is to be paid for the building of new vessels, it should not be awarded indiscriminately to the producers of any sort of ships, but only to those who bring out vessels of superior construction. It would be wisdom to encourage, in almost any way, the building of vessels of greater swiftness; but to foster the multiplication of ships of the old style would be simply to encourage the wasting of capital, which might as well at once be thrown into the sea.

"The day of East India junks, of Spanish galleons, and French corvettes, and English hulks is long gone by. Voyages that require years for their accomplishment are no longer undertaken. A venture, to be profitable, must now be performed in the shortest possible time. The ship that first brings her cargo to port is the one that commands freight. There is little use for slow ships in this fast age. They are frequently a positive damage to their owners, and the sagacious merchant avoids them as he would a pestilence or a dangerous coast.

"This great commercial problem is not a difficult one to solve; it is as simple as that two and two make four. By rapid communication a knowledge of the want is supplied. The result is profit, wealth, and power.

"While competition is in one sense the life of business, it is death to the business of the unsuccessful competitor. Want governs the price of commodities, and he who first supplies the want gathers the advantage.

"At the breaking out of the rebellion our tonnage was almost equal to that of the foremost commercial nation. It comprised about a third of the total tonnage of the world. The superior construction of our vessels gave them a marked preference among all nations, and the result was a growth in our commerical marine such as had never before been witnessed.* In comparatively a few years, from a low grade we advanced to the first rank; and had we kept on with the progress we were then making the end of the first century of our national existence would have found us without a commerical rival, and far beyond any parallel in history.

"But the rebellion brought with it the necessities of war, and the arts were consulted to find the means of destruction rather than of thrift. The unparalleled enterprise of our ship-builders was no longer directed to the production of swift, but of strong vessels. White-winged commerce for the time was hid beneath the clouds of war. Fast-sailing clipper-ships and ocean steamers gave place to iron-clads and monitors.

"Now that the giddy whirl of war is over the people are demanding ships to carry grain instead of guns, and bales of goods instead of boxes of ammunition. They want vessels constructed for speed and not for strength. They realize that though the battle may not be to the strong, the race in commerce is always to the swift. By losing sight of this we have lost our carrying trade, and we are at present paying tribute to those very nations which before the war relied upon us and freely poured their wealth into our Treasury."

For a person outside it is impossible to conceive of the extreme pressure of business that usually comes upon Congress as the end of a session approaches. The solicitude of interested parties for the success of pending measures is great during the entire period of the session, but that solicitude becomes more intense as the day of adjournment approaches, and more and more, touching matters not fully disposed of, till the end. The disposition to postpone action on bills is decidedly conspicuous with some members. This comes from a reluctance to shoulder the responsibility of making laws, or from a fear that the enactment may not be in exactly the proper form. Undoubtedly there have been members of either House of Congress who delighted to make their power felt by raising objections when little ground for it existed. I will not name persons I may have thought were influenced by no higher motive but members of much experience will have such in mind.

As a rule every member of either House has some one or more measures that he is especially solicitous about, either to pass, or defeat, and the stuggle for a hearing or for action is often the occasion of a great commotion. At such times long speeches are, aboveall things, deprecated. They are not infrequently indulged in to "kill time," and thus defeat a measure to which the member speaking is opposed. The temper of the one anxious for the passage of a pending bill, and of those having other bills awaiting action, and sometimes of the whole House, is thus sorely tried; but the exhibition of impatience in a deliberative body is deemed out of place.

I am giving my recollections, but my memory is aided by letters, written under the above circumstances, unexpectedly coming to my notice.

"It is now after midnight and we are still in the Senate. Fowler is speaking on the bill to abolish the Franking Privilege, but I will add another frank while I may. I have probably used it a million times. Edmunds, Sprague, Sumner, have spoken. It is tiresome and I am half inclined to desert."

The next night:

"The naturalization law is under discussion; Democrats alone are talking upon it. The Republicans will say little or nothing, but I think we shall sit it out if it runs into Sunday. The danger that has kept me here is that Sumner will move to strike out the word "white" from the naturalization laws so that Chinese could be naturalized. Should such a clause pass it would kill our party in California as dead as a stone. If it passed in my absence the people would lynch me! Casserly will, of course, oppose it, but it will be not less likely to pass on that account. So I dare not leave. The law now under discussion is to prevent the frauds in cities and the Democrats are opposed of course.

"Another important bill for California is one now partly considered; 'To prevent Servile Labor Contracts,' as with Chinese to come here and work for a term of years. I am going to amend it to exclude abandoned Chinese."

Still later in the session I wrote:

"Last night late we passed Southern Pacific Railroad Bill. It had been long delayed but the opposition was not strenuous.

"The Santo Domingo treaty having been rejected, the same end may be accomplished by Joint Resolution of the two Houses, so some think, but it is doubtful. Steamship Bills are all back yet and it does not seem probable we can pass them. Jones will be much disappointed; he is here and many other Californians."

It has frequently happened, when business was delayed, that Congress has remained in continual session for as many as two or three days and nights, with hardly an hour of recess in the whole time, and without any regard for Sunday, if that intervened, as was likely, since Monday is usually the day designated in a resolution for final adjournment. Sometimes in an emergency, as to save an appropriation bill, the hands of the clock in either House, have been turned back for some part of an hour. This is done so deftly by the doorkeeper as to be noticed by no one, but when ascertained is the occasion of some amusement.

CHAPTER XL

1871

TREATY OF WASHINGTON — ATTITUDE OF GREAT BRITAIN — LORD JOHN RUSSELL — THE ARISTOCRACY — THE QUEEN AND THE COMMON PEOPLE — CRUISERS AND BLOCKADE-RUNNERS — THE LONDON TIMES — JOINT HIGH COMMISSION — THE TREATY.

THE war had hardly come to an end, when the attention of the Government was turned towards England to consider the attitude she had assumed in our great contest. It was well understood that the sympathy of the public authorities in that country and of nearly the entire aristocracy had been with the Secessionists. Their frequently expressed sentiments towards the loyal and disloyal Americans abroad, left no doubt in the mind of any one upon that head.

Against the strongest remonstrance of Mr. Seward, Secretary of the State, and of Charles Francis Adams, our minister at the Court of St. James, a number of armed cruisers were fitted out in British shipyards and permitted to sally forth under the Confederate flag, to prey upon our commerce. The result was the almost complete expulsion of our merchant-marine from the high seas. Scores, and I may say hundreds, of American vessels of all classes, except those belonging to the navy, were captured, and burned or driven from the ocean. Every sea was infested by these piratical cruisers; and the only place of safety for our vessels was in port, where many of them were permitted from necessity to fall into decay.

Besides annoyances of this nature, numerous blockade-runners were afforded convenient and secure harbor at Nassau and other British West India Islands, from which secure retreats, arms, munitions of war and supplies of every sort were furnished the Confederates; thus prolonging and rendering more desperate the struggle.

To our earnest and oft repeated protests against such unfriendly practices, Lord John Russell, the head of the British government, turned a deaf ear. In various ways the Lincoln administration sought to conciliate him, even going to the length of surrendering Mason and Slidell, emissaries of Jeff Davis, captured on their way to England and taken from the steamer Trent. But poor progress towards conciliation was made. Friends of the Confederacy, including a number of prominent financiers, were far more influential in London than the accredited representatives of Mr. Lincoln.

A conciliatory feeling on our part was in a measure inspired by reliable information that the Union cause had many good friends among the common peope of England, and that the Queen herself was by no means a warm supporter of those who were warring for slavery.

Premier Russell, and his colleagues, had worked them up to the belief that the great American Republic was at an end. Though the insurrection was distinctively a pro-slavery movement, on this occasion it found encouragement in the land of Wilberforce, the professedly most anti-slavery country in the world.

I have not access to publications of that period, but believe the voice of the leading press of England, which represented the aristrocracy, was stronger against us than in 1814, when the London Times, on learning of the burning of our capitol by Admiral Cockburn, exultingly remarked: "That ill-organized association (the American Republic) is on the eve of dissolution and the world is speedily to be delivered of the mischievous example of a government founded on democratic rebellion." And as late as 1853, that same paper spoke of the burning of the Capitol as a "splendid achievment."

But the pro-slavery power in America collapsed sooner than was anticipated by the British rulers, and that event was speedily followed by the spectacular explosion of Louis Napoleon's scheme to establish a monarchy in Mexico, and likewise by the entire defeat of the plans of Old Spain to recover portions of her lost possessions in South America and in the West Indies. As these events loomed up on the western horizon, the British authorities wasted no time in seeking a better understanding once again with England's lost, and now irate colonies in the New World.

More than the third of a century has elasped since the making of the Treaty of Washington, but the events that led up to it have not passed from my memory. Some time after the close of the war, but as soon as consent could be obtained from General Grant, then President, four distinguished commissioners were sent over from England to cooperate with Sir Edward Thornton, the British minister, in the endeavor to fix up a treaty of peace and amity between the two countries.

It will not be denied that much had occurred during the war to excite in America a bitter, if not a belligerent, feeling towards England. This was so well understood in London that such able statesmen and diplomatists as Earl De Grey, Sir Stafford Northcote, Sir John Macdonald and Montague Bernard, Professor of Law in Oxford, were selected to represent Great Britain. These were to be met in conference by an equal number of Americans; and, on our part, Hamilton Fish, General Schenck, Justice Nelson, E. R. Hoar and George H. Williams were chosen, the ten to constitute the Joint High Commission to adjust if possible the differences between the two powers.

On their arrival in Washington the British Commissioners hired for occupation during their stay in America, a spacious mansion on the most fashionable street in the city and there entertained most lavishly, numbering among their invited guests all persons deemed to have influence in adjusting the points of disagreement between the two nations. Members of the Senate, before which body any treaty that might be agreed upon in the Joint High Commission must come for approval, were, perhaps, especially favored guests. At their banquets all other topics were freely discussed, but not a word was uttered concerning the pending controversies. It was learned beyond a peradventure that the "High Joints" from England were extremely genial and agreeable gentlemen. Their courtesy will long be remembered, as will also the work they accomplished in America.

When, after many weeks of arduous labor by the Joint Convention, the treaty of Washington, in all its complex parts, was presented to the Senate for confirmation, it was found to be no settlement at all, but merely a proposition, delusive in form, to submit the several matters in dispute for arbitration to different tribunals,—the Alabama claims to go to a court to sit in Switzerland; the San Juan question to the Emperor of Germany for decision; the Fisheries controversies to be determined by a court to be held in Halifax, and so on.

Something was said in the treaty about the navigation of the St. Lawrence river, and something also about the Yukon, and about several other rivers, and other matters of minor importance were alluded to, all having a tendency to divert attention from the main question, namely that relating to the destruction of our commerce.

Some members of the Senate, including myself, were opposed to the treaty as submitted, believing that all matters in controversy between the two countries should be adjusted then and there without the possibility of after-claps. We believed that England should be required to pay, on account of the annihilation of our commerce, a fine of at least a hundred million dollars. This was especially urged by Mr. Sumner. I was then of the opinion that, had a hundred million been exacted she would have paid it, since the demand would necessarily have been coupled with the alternative of the loss in turn of her commerce and the expulsion of her flag from the North American Continent.

The British Commissioners knew full well that this Republic, so despised but yesterday by Lord John Russell, could, at the beat of the drum, raise an army, a million strong, of the best drilled, bravest and most reliable, because the most intelligent soldiers the world had ever seen, and almost as speedily equip a naval force hardly less formidable. We were in a position to demand a just settlement, and one very different from that provided in the treaty.

It should in fairness be stated that the treaty as submitted contained some valuable amendments, or rather the enunciation of amendments to international law, so far as these two powers had authority in the premises. It prescribed certain rules to govern neutral nations in the future; very thoughtful provisions under the circumstances, on the part of the British High Joints! It provided in terms that, "a neutral government is bound to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace." And a neutral government it also declared, was "bound not to permit or suffer either belligerent to make use of its ports, or waters, as the base of naval operations against the other." There could be no objection to embodying these rules in the new treaty, but according to the American contention they were in force as principles of international law at the time when the Alabama claims arose and had been grossly disregarded by Great Britain.

It was counted moreover as some concession in favor of peace that; "Her Britannic Majesty authorized her commissioners to express, in a friendly spirit, the regret felt by Her Majesty's government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels."

These impecunious concessions in the treaty fell far short of affording compensation for the immense injury inflicted upon us by the destruction of our merchant-marine, and by the wanton and malicious burning of our fleet of whalers in the Behring sea months after the surrender of Lee and the assassination of Lincoln, which events were well known to Captain Wardell, commanding the cruiser Shenandoah, at the time he set the whalers on fire.

The qualified regret of Her Majesty was but a tub thrown to the whale, but soft words turn away wrath.

CHAPTER XLI

1872

A SENATORIAL CONTEST — ELECTIONEERING METHODS — THE DEFEAT — ITS EFFECT — OUTSIDE SOLICITUDE — LETTERS — FINIS.

It may be with some pride, perhaps a little egotism, and certainly with a desire to perpetuate a fact of considerable public interest, as well as of personal concern, that I append to these recollections, the assertion that popular opinion was decidedly in favor of my re-election to the Senate. This will be verified by reference to files of the newspapers of the period. A large majority of the Republican press was outspoken on the subject, and not one of them advanced any reason, or argument, against my return. Some of the opposition papers likewise were highly complimentary in their notices, referring to my position on Committees as, in the nature of things, especially advantageous to the State.

B. F. Washington, the able editor of San Francisco Examiner, a publication of the Democratic faith, after discussing the candidates with exceeding plainness, continued:

"We hope, therefore, to see Senator Cole sent back to the Senate. His re-election would reflect credit upon our State. It would be a rebuke to a class of politicians who have brought reproach upon the people and whose discomfiture is necessary to our honor and dignity. Every true Republican should demand the re-election of Cole."

An extract or two out of many Republican journals must suffice. They are manifestly too flattering, but such as might be expected from zealous friends on such an occasion.

The leading San Jose paper remarked: "No Senator ever went from any State and achieved so high a position in the councils of the nation in the same time. He is the first Senator from the Pacific Coast who has been honored with the important position of Chairman of a leading committee. His opinion on important matters has been courted. We have seen nothing against Mr. Cole why he should not be returned to the Senate."

The Sacramento Bee, still published, said: "Senator Cole's claims are advocated by every journal in the State worthy of notice."

It may not be out of place as a part of the political history of the period to quote further from that paper. "Mr. Sargent has formed a combination with Geo. C. Gorham, by which it is agreed that Gorham's friends—Carr and Stow—shall help Sargent into the Senatorial chair this time, for which favor they—Gorham, Carr and Stow— are to have the control of Government patronage on this coast, so as to help Gorham succeed Casserly two years hence. No secret has been made of this agreement; it has been published broad-cast over the State without one word of contradiction from the parties interested. If Sargent did not make such an agreement why has he not contradicted these statements?"

A Santa Cruz paper remarked: "The recent wonderful triumph of the Republican party, was practically an endorsement of the Congressional career of the Honorable Cornelius Cole, United States Senator. After a week's visit to the great counties of Santa Clara, San Juaquin, and San Francisco, we repeat that the triumph was an expression of public sentiment in favor of Mr. Cole's re-election, and the efforts of the Republicans throughout the State were directly directed to the election of a legislature ticket which would secure that result. The choice of a United States Senator was by far the most important issue involved in the popular election, and if it had not been brought into the canvass with a view to Cole's re-election the aggregate popular vote would have been many thousands less. In every one of the counties which have given important majorities for the ticket, his name was prominently brought forward in connection with the office of Senator, and we can safely say that it exerted a powerful influence in bringing Republicans to the polls; we say it, too, with all the more freedom because we have not received nor expect to receive a favor at the Senator's hands. Thousands of voters who had no especial interest in state affairs devoted a day to the election only for the purpose of securing a representative in the Legislature who would return our Senator to a position he has filled with distinguished honor to himself and with credit and profit to his state."

The effect upon me of my defeat may be judged by the following contemporaneous remarks: "I thank you for the compliment of this serenade, since the higher compliment of a re-nomination has been denied me. The Republican caucus has this night nominated another gentleman to succeed me in the United States Senate and I acquiesce in their decision, as I always acquiesce in the decisions of the party and the people. I started out in my political career as a friend of the poor and the laboring man, and I have never deserted them, nor will I disregard their interests, or forget my duty to them while I remain in public life. I have never been seduced from my duty to the people by the rich, nor by monopolies or corporations, nor will I during the balance of my public life. I will continue to be in the future as in the past, the friend of the poor, who need friends most of all in such places as I occupy. When my term of service is ended I shall feel that a great burden is removed from my shoulders, and I shall quit such duties with as much gratification as men ordinarily enter upon them. I bid you good night."

The powerful Railroad interest incited by the Goat Island controversy; the Whisky ring with all its adjuncts; and the National Bank influence, were well represented at Sacramento, armed with all the agencies needed to compass my defeat. Many friends on my behalf were also there, but their efforts were all in vain, for a majority of the Republican members in the legislature stood committed irrevocably on the senatorial question. They had given their pledge long before the meeting at the capital.

The plan adopted to supercede me at the end of my term was original at that time, but has been followed on occasions since. It required a genius to devise it, but who is entitled to the credit or discredit of the invention, may never be known. The plan was this: In advance of the time for nominating candidates for the legislature, some trusted emissary was sent into a county, either to suggest a candidate, or to ascertain who was likely to be the nominee, and then to furnish, or agree to furnish, the candidate with the funds to meet his election expenses, upon the sole condition that he would support my opponent for United States Senator. That the funds so provided, in most cases, far exceeded the candidate's requirements, is more than probable.

The scheme was put in operation in a large number of the counties of the State, and when the legislature convened in the fall, a majority of the Republican members were found to be bound hand and foot on the Senatorial question. Many of them deplored the situation, mainly on account of the position occupied by me in the Senate as a member of committees presumed to be of especial advantage to the Pacific Coast; referring to the Committee on Post Offices and Post Roads, and the Committee on Appropriations, of which latter Committee I was chairman, and without any doubt, I would have continued to occupy that commanding position as long as I retained a seat in the body.

It was stated that mine was the only instance where a member of either House of Congress from the Pacific Coast, had attained to the chairmanship of a leading committee, a statement which may need some qualification; but this argument was unavailing. Men could not go back on promises which had been literally paid for with money bountifully supplied by politicians and corporations.

While the post held by me in the Senate may have been a matter of much concern to my constituents it was less so to me. It was a place of immense labor. In later days the rules of the Senate have been changed and the work of the Committee on Appropriations has been distributed among several, but in my time the chairman was expected to make himself familiar with all the details of expenditure in the various departments of this great government; a task too much for one person, and which, had it continued in my case, would in all probability, have obviated the work upon which I am now engaged.

To me personally my defeat was certainly of less moment than to the growing communities of the Pacific Coast and was so regarded by the business people generally.

Not only in California, but in the East also, much solicitude for my return was manifest; particularly among persons with whom I had been associated in public life. Many letters expressing anxiety on the subject were recieved, one of which, out of a number retained by Mrs. Cole, is given as a specimen; it is from the brother of the great agnostic, with whom I had served in the House of Representatives.

WASHINGTON, D. C.
Nov. 15, '71

My dear Senator:

I am more than glad to learn that you are paying close attention to the electorial fight in your state and I more than hope you will win.

Were I in your state I would fight in your ranks to the end of the war. Don't let yourself suffer a defeat. Don't leave a single stone unturned that should be turned.

I wish I could be of service to you, nothing could give me greater pleasure, except your re-election. I will not suffer myself to even doubt your triumph.

I am going to send you another argument of mine, but I do not expect you to read it. I send it, to let you know I remember you, and to let you see that I am doing something.

Don't leave for Washington until the contest is closed. *See it out yourself.*

Your friend
D. C. INGERSOLL.

Hon. C. Cole,
San Francisco.

FINIS

To him, should there be one, who has had the patience to plod through this book, I owe an apology for consenting to the publication of so crude a work. Begun late in life, and prosecuted amidst many interruptions, it has been impossible to bestow upon it the needed attention: and it is now too late to retain it for more careful revision. While defective in style, in substance it may not be altogether devoid of interest.

Manifestly only a small share of the events of a long life are well remembered at its close. The few recorded in these pages have been aided a little, and only a little, by memoranda of one sort or another that happened to escape destruction. Such things as have been too imperfectly recalled, have been entirely omitted, rather than rounded out by a resort to the imagination, as is the custom of many writers of history.